

**ZB# 99-38**

**T.G.S. Associates, Inc. /  
Foam & Wash**

**69-3-2**

#99-38-TGS Assoc., Inc.

Area 69-3-2

Prelim.

Sept. 13, 1999.

Add signage:

Public Hearing:

Sept. 27, 1999

Area & Sign

Variances

Granted

Refund 344.50

Wilson Jones - Certificates - \$100 - NCR Duplex - \$18074-CL Theobald

© Wilson Jones, 1989

DATE Sept. 15, 1999 **RECEIPT** 134307

RECEIVED FROM TGS Associates Inc

Address \_\_\_\_\_

One Hundred fifty 00/100 DOLLARS \$ 150.00

FOR ZBA #99-38

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	1733
AMOUNT PAID		CHECK	150.00
BALANCE DUE		MONEY ORDER	

Town Clerk

BY Dorothy W. Hansen  
or

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: TGS Assoc. Inc.

FILE# 99-38

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

INTERPRETATION: \$150.00

AREA X

USE     

APPLICATION FOR VARIANCE FEE.....\$ 150.00

*Paid ck# 1733  
9/15/99 -*

ESCROW DEPOSIT FOR CONSULTANT FEES.....\$ 500.00

*paid - #1732  
9/15/99.*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE *9/13/99 - 6* \$ 27.00

2ND PRELIMINARY- PER PAGE *9/27/99 - 13* \$ 58.50

3RD PRELIMINARY- PER PAGE.....\$     

PUBLIC HEARING - PER PAGE.....\$     

PUBLIC HEARING (CONT'D) PER PAGE.....\$     

TOTAL.....\$ 85.50.

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: *9/13/99*.....\$ 35.00.

2ND PRELIM. *9/27/99*.....\$ 35.00

3RD PRELIM.....\$     

PUBLIC HEARING.....\$     

PUBLIC HEARING (CONT'D).....\$     

TOTAL.....\$ 70.00

MISC. CHARGES:

.....\$     

TOTAL.....\$ 155.50.!

LESS ESCROW DEPOSIT.....\$ 500.00.

(ADDL. CHARGES DUE).....\$     

REFUND DUE TO APPLICANT..\$ 344.50



Date 10/22, 1979.

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE**

**NEW WINDSOR, NEW YORK 12553**

TO TGS Associates, Inc. DR.

R.D. 3 - Box 255  
Red Hook, NY 12571

[illegible]

**TGS ASSOCIATES INC.**RD 3 BOX 255  
RED HOOK, NY 12571FIRST HUDSON VALLEY  
FIRST NATIONAL BANK OF THE HUDSON VALLEY  
137 SOUTH BROADWAY, RED HOOK, NY 12571

1732

NUMBER

50-584/219

DATE

AMOUNT

PAY  
TO THE  
ORDER  
OFFive hundred dollars and  $\frac{00}{100}$  -9/14/99\$ 500.00Town of New Windsor

ZBA #99-38

Jerry Baright

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

⑈001732⑈ ⑆021905841⑆ ⑆0215007636⑆

**TGS ASSOCIATES INC.**RD 3 BOX 255  
RED HOOK, NY 12571FIRST HUDSON VALLEY  
FIRST NATIONAL BANK OF THE HUDSON VALLEY  
137 SOUTH BROADWAY, RED HOOK, NY 12571

1733

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OFOne hundred fifty dollars and  $\frac{00}{100}$  -9/14/99\$ 150Town of New Windsor

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Jerry Baright

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⑈001733⑈ ⑆021905841⑆ ⑆0215007636⑆

In the Matter of the Application of

MEMORANDUM OF  
DECISION GRANTING

T.G.S. ASSOCIATES INC./FOAM &  
WASH CAR WASH

AREA VARIANCES

#99-38.

**WHEREAS, T.G.S. ASSOCIATES, INC.,** a corporation having an office at 15 East Market Road, Red Hook, New York 12571, has made application before the Zoning Board of Appeals for a 20 ft. side yard and 11 ft. 0 in. maximum building height for new construction, plus a variation of Section 48-18 of the Supplemental Sign Regulations to permit two additional freestanding signs and 4 ft. 2 in. sign height for same, 500 sq. ft. variance for total of all signs and 5 ft. height variance for façade sign at Foam & Wash Car Wash located at 5 Old Temple Hill Road in a C zone; and

**WHEREAS,** a public hearing was held on the 27th day of September, 1999 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS,** the Applicant appeared by James Raab, P. E. of Vincent J. Doce Associates, Todd Baright and Gary Baright. Messrs. Baright are principal shareholders and owners of TGS Associates, Inc.; and

**WHEREAS,** there were no spectators appearing at the public hearing; and

**WHEREAS,** no one spoke in favor or in opposition to the Application; and

**WHEREAS,** a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS,** the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a commercial property located in a neighborhood of commercial properties between two busy state highways.

(b) The Applicant corporation is the owner of an existing neighboring piece of property. It seeks to expand its operation by acquiring the subject piece of property and seeks variances in order to construct improvements to that property.

(c) The Applicant proposes the conversion of an existing restaurant building into an automatic car wash and the construction of an oil and lube shop on the property. The Applicant proposes to enhance the landscaping and provide for a layout of the property that allows the maximum "stacking" of automobiles.

(d) The property is already entirely covered by buildings and blacktop so that if the site plan is approved, no additional water drainage will be created.

(e) The Applicant proposes a number of signs on the property.

(f) The oil and lube business will be a business separately operated from the car wash business.

(g) The Applicant has reduced the size of the sign that it requests on Temple Hill Road.

(h) The Applicant has asked for a height variance for the signs so that a changeable copy readerboard can be added without the sign being so low as to interfere with the view of adjacent vehicular traffic.

(i) The Applicant proposes reconfiguring the lot so that motorists can only enter the area from one point and exit from one point. As it presently exists they may enter and exit from a number of different points.

(j) The proposed oil and lube shop is proposed to be located closer to the line than allowed by the code so that the maximum available area of the lot can be used for vehicular "stacking".

(k) The new building, if allowed, would be no higher than the buildings in the neighborhood.

(l) The height variance is sought not because the building is too high for the neighborhood, but because of the way allowable height is measured as a function of the distance to the closest lot line.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations, but nevertheless are warranted.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances as previously stated are reasonable in view of the size of the building, its location, and its appearance in relation to other buildings in the neighborhood.

8. The interests of justice will be served by allowing the granting of the requested area variances.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 20 ft. side yard and 11 ft. 0 in. maximum building height for new construction, plus variation of Section 48-18 Supplemental Sign Regulations to permit two additional freestanding signs and 4 ft. 2 in. sign height for same, 500 sq. ft. variance total of all signs and 5 ft. height variance for façade sign at Foam & Wash Car Wash (formerly Purple Parlor) located at 5 Old Temple Hill Road in a C zone.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: November 22, 1999.

  
Chairman

Date 9/25/99, 19.....

**TOWN OF NEW WINDSOR**  
TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO ..... Frances Roth ..... DR.  
168 N. Drury Lane  
Newburgh, N.Y. 12550

DATE			CLAIMED		ALLOWED	
9/13/99		Zoning Board Mtg	75	00		
		Misc - 3				
		Ross - 5				
		TGS Assoc. - 6      27.00.				
		Johnson - 5				
		Anderson - 3				
		Orquest Realty - 3				
		Pospisil - 3				
		Rinaldi - 3				
		<u>31</u>				
			139	50		
			214	50		

TGS ASSOCIATES, INC.

MR. NUGENT: Referred by the Planning Board for 20 ft. side yard and 11 ft. maximum building height variances for removal of former Perkins Pancake House and construction of (1) six wash bays; (2) automatic car wash; (3) oil and lube shop at Route 32/94 location in a C zone.

Mr. Jim Raab and Mr. Gary Baright appeared before the board for this proposal.

MR. RAAB: Jim Raab from Doce Associates here to assist Gary tonight because his architect couldn't make it and we're here for exactly what the chairman just explained, for the variance on building number 3 of the site. Now, an overview of the site is that they have purchased the old Perkins Pancake House, going to renovate and do a full service car wash right here and here's going to be an addition added to the end of the car wash no closer to Route 32 than the existing building is now. Also, an existing building, show you the two, this existing building, this part of the building is going to be torn down, okay, and two more bays are going to be added to the end of this building here. The new building which is going to be in the space right here is building number 3, that's the building that requires the variance both for the side yard and the height.

MR. NUGENT: Basically, it's right on the property line, oh, no, ten foot?

MR. RAAB: No, ten foot.

MR. BARIGHT: This is the existing site plan as it basically is now. Right now, there's parking that runs down this length of the parking, runs through here. What we have proposed is taking up ten feet of the blacktop and putting in ten feet of grass down the side as it shows over here, the shrubbery.

MR. RAAB: Add on 1,500 square feet here, but landscaping here where there's nothing but paving, landscaping here, spot here, spot here, quite a bit of



landscaping to take up some of the blacktop here. There's quite a bit of blacktop down there.

MR. BARIGHT: The traffic flow will be a lot nicer. Right now, you can go off of Route 32, you can enter and exit by Primavera's, you can go in and out over here, you can go in out over here, exit only, this is in and out. What we propose when the project is finished the only way you'll be able to enter the old site will be off Old Temple Hill Road, enter in here. You want to go to the self-serve or lube bays or to the car wash, everything flows in and disperses out on around. We have an additional drip space at end when the cars come out at the end there's cones along here, cars will come out and this will be an exit only and these two will be exits and eliminate the curb cut over here that will be eliminated and gives a lot more stacking. Part of the variance for the ten feet is we moved the building back another 20 feet which was required, it reduces our stacking, and this booth instead of being here would be another 20 feet back which would be one and two cars, most of them, we'd have more stacking and also eliminating the 30 feet making it ten, you wouldn't be able to drive through, so we're going to rip up all the blacktop. So that's the plan.

MR. NUGENT: Much neater plan.

MR. KANE: What about signage?

MR. BARIGHT: Right now, there's the old Perkin's sign was here that would be replaced, of course, actually, it's taken down and replaced. Right now, there's a sign here and there's a sign in this area here and there's a sign here, street sign, we propose three signs exactly the same, the car wash, oil change. Right now, Perkin's has some small signs for entrance and exit, they'll be removed, they are small signs and that's about it.

MR. KANE: The sign that you are proposing, will that fit into the current regulations?

MR. RAAB: I believe so, I haven't doublechecked it

yet, but I believe it will all fit in.

MR. TORLEY: One freestanding sign today?

MR. BARIGHT: Three, there's three signs now.

MR. TORLEY: That won't fit the codes.

MR. NUGENT: I don't know how big that is. What's the square footage of the signs?

MR. RAAB: See, I don't know that.

MR. TORLEY: They are only allowed one freestanding sign anyway.

MR. KANE: If you're going to go through the variances, get it all done in one shot.

MR. RAAB: What's the regulation based on, frontage?

MR. TORLEY: Sign area height and my recollection, unless the new code, you're only allowed one freestanding sign for the business.

MR. KANE: Per business.

MR. TORLEY: It's really this is all under one management.

MR. BARIGHT: Well, one owner, but this is different management, there's also three roads of frontage, so it would be hard to have a sign.

MR. KANE: Which would be a case for a variance.

MR. BARIGHT: We have two signs which we can leave and just add one.

MR. RAAB: If that's the case, we don't need to look it up because we need it based on that statute alone.

MR. BABCOCK: They're allowed one freestanding sign and then it goes on to say that if the site has two main entrances, the planning board may approve at its

discretion one additional full size freestanding sign at the second entrance.

MR. BARIGHT: We have one entrance but we're eliminating four so--

MR. TORLEY: What you want is three of the freestanding signs?

MR. BARIGHT: Right, to replace the three that are there now.

MR. TORLEY: Well, they wouldn't count. My suggestion would be that they talk to Mike, get the appropriate denial things and we'll put that in.

MS. BARNHART: We shouldn't have to worry about that now.

MR. BARIGHT: That's fine.

MR. REIS: Which building is going to need the height variance?

MR. BARIGHT: The same building since we're going closer, it's one foot per foot of the building, so make it only ten feet high, I think the building is going to be 21 feet high.

MR. KANE: Is that the Dairy Mart?

MR. BARIGHT: Yes.

MR. KANE: How higher than the Dairy Mart is it?

MR. BARIGHT: I don't know, it would be higher than the canopy over there. And also part of this would be able to push the building over here, more space for snow, this area here is proposed for snow storage in the winter, this would eliminate a lot of that. We plan on putting as much snow in this section as possible and there is also a storm drain.

MR. BABCOCK: Based on the calculations, you've said that the building will be 21 feet high?

MR. BARIGHT: Yes.

MR. BABCOCK: Okay. Building number 3, the new oil and lube.

MR. BARIGHT: I have a front elevation of what it's proposed to look like, similar to the car wash as far as the red tin, this is going to be some light tan colors and then there's going to be white cut block at the base and of course, white with aluminum and store front glass.

MR. TORLEY: What about signs on the buildings themselves? I don't see any there.

MR. BARIGHT: Probably proposing that would need a variance. You can't put any signs on the building?

MR. TORLEY: Depends on the size of the building.

MR. RAAB: We'll get together with Mike on the signs.

MR. KRIEGER: You're allowed some, you may not decide that it's enough and as long as you're applying for a variance, if you want more than what's allowed--

MR. NUGENT: Get them all at once.

MR. REIS: Parking has been addressed?

MR. BABCOCK: Yes.

MR. NUGENT: Any further questions?

MR. KANE: No.

MR. NUGENT: I'm accept a motion.

MR. KANE: I move we set up TGS Associates for a public hearing on the requested variances.

MR. REIS: Second the motion.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MS. BARNHART: You have your applications.

MR. KRIEGER: Those are the criteria on which the state has to determine the ZBA must decide. If you would address yourself to those criteria at the public hearing, that would be helpful. They apply also to any sign variance you may wish to add.

MR. BARIGHT: Just put that in a letter?

MR. KRIEGER: Well, no, you're ultimately going to have a make a presentation at the public hearing that's going to make a record. I want you to address those criteria that are listed there in the public hearing because those are the things on which the zoning board is going to have to decide. Those are the things that you are going to want in the record.

15/11/99

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO Frances Roth DR.  
168 N. Drury Lane  
Newburgh, N.Y. 12550

DATE		CLAIMED	ALLOWED
2/1/99	Zoning Board Mtg	75	00
	Misc - 2		
	Aldridge - 3		
	UGA Assoc. - 5		
	Maurice - 3		
	Jennings - 6		
	Johnson - 5		
	Ryan - 4		
	TLAS Assoc. - 13	58.50	
	Gateway-Industrial Park - 4	202	50
	<u>45</u>	<u>277</u>	<u>50</u>
		277	50

TGS ASSOCIATES INC.

MR. TORLEY: Request for 20 ft. side yard and 11 ft. 0 in. maximum building height for new construction, plus variation of Section 48-18 Supplemental Sign Regulations to permit two additional freestanding signs and 4 ft. 2 in. sign height for same, 500 s.f. variance total of all signs and 5 ft. height variance for facade sign at Foam & Wash Car Wash (formerly Purple Parlor) located at 5 Old Temple Hill Road in C zone.

Mr. James Raab, Mr. Todd Baright and Mr. Gary Baright appeared before the board for this proposal.

MR. TORLEY: Is there anyone in the audience that wants to speak on this one? I'll give you a chance later. Okay.

MR. RAAB: My name is Jim Raab, I'm with the engineering firm of Vincent J. Doce Associates. I'm here to assist them in their presentation. What I have here before the board right now is a representation of the, what the site looks like right now, two existing buildings, an existing car wash building and almost all of the rest of this, I shouldn't say all the rest of this is black top here. What's proposed is to convert the existing Perkin's Restaurant to an automatic car wash.

MR. TORLEY: Make a request of you when you finish with one of your boards, can you set it backwards so the audience can see it?

MR. RAAB: Sure. What we propose is that as I said conversion of the Perkin's building, Perkin's Restaurant into an automatic car wash and in addition, oil and lube shop approximately 4,261 square feet here, this is where we are requesting a variance of ten foot side yard and I believe it's 19 foot high building which will require a variance of 11 feet for the building line due to the side yard request. Those are the area variances there, okay. The existing building that we're proposing will look like this. That's the proposed oil and lube building that's proposed for the site. Now, to get to, I'll let the Baright brothers

discuss the inner workings of this, but basically, what we're proposing here is proposed building already existing building, enhance landscaping all through the site and decrease in the impervious surface. What we're adding is almost 5,000 square foot of landscaping for this to the site now which of course we're adding building in here but that's already blacktopped, so what we're adding is additional landscaping through the entire site. This shop here, why we need it here is because we need, it allows us to have the proper paving for both the automatic car wash and the oil and lube along with the automatic bays, self service bays here. Compared to the other side yards in the neighborhood, Dairy Mart across the street, the services here, these existing building over here now I know that those existing buildings predate zoning, but they are in the character of the neighborhood and that's not affected by the fact that this is only ten foot off the line. The physical conditions will be improved, proposed side yard oil shop providing more adequate stacking as I just mentioned and good traffic flow throughout the entire site. Environmental conditions, as I stated before, are improved because we're cutting down on the impervious surface by almost 5,000 square feet. The practical difficulty that is for which we're requesting relief by these variances is caused by a need to provide the site with the proper amount of stacking for both oil and lube shop and automatic car wash and the number of bays. Now, that takes care of those variances. Do we want to go through one at a time or go right to the signs?

MR. TORLEY: Why don't you make a presentation for all of them, unless the board has a different feeling.

MR. KANE: That's fine with me.

MR. RAAB: Okay, and basically, what the, what we're looking for here is that there was an existing Perkins sign on the corner, there's an existing sign here that we want to move to here to an island and provide a sign out here for on 94, there's also an existing one there also and that totals over 500 square feet of signs here, here and here, but we're reducing the signage by approximately 80 to 100 square feet by taking away the



parking signs that were in here, the reader board sign that was here and, an existing building sign that was on this building here, so it actually ends up balancing so we're looking for an additional approximately 375 square feet of signage from what's already there.

MR. REIS: There's going to be one freestanding sign.

MR. RAAB: Three, one here where Perkin's used to be, one here okay, which is actually being moved from here to here and a sign here which already exists.

MR. KANE: Crux of the problem I have right here is the third sign on Temple Hill Road, is that one really necessary, the freestanding, you're allowed one, we're allowed one, but if you, I guess the book says you can have two if you have two entrances on two separate roads that kind of allows us two, there's three there now.

MR. KANE: Going with the new sign we're just trying to cut down as much as we can and you're hitting the two main highways, I'm asking if the Temple Hill Road one, if you feel that's necessary?

MR. TORLEY: They are, all three signs are the same size and each of the signs exceeds the sign height?

MR. T. BARIGHT: Right, that's to keep them off the ground so people can't change them.

MR. KANE: Is there a way to minimize that?

MR. G. BARIGHT: No, I know you're allowed two signs on two different roads and you're also allowed a directional sign which will be this sign which could be a smaller, I know it could be something, I mean, we can definitely--

MR. TORLEY: Mike, is there an established area for directional signs, do we have that in the code?

MR. BABCOCK: No, basically, we go by what the DOT Regulations are as far as the size of the sign, you mean.

MR. TORLEY: Same size as a stop sign.

MR. BABCOCK: It's a directional sign which DOT--

MR. RAAB: Would you be receptive to half the square footage?

MR. KANE: On the one on Temple Hill Road.

MR. TORLEY: Tell me how you're going to make it half.

MR. RAAB: Cut down the size 4 foot 6, probably go to 2 foot 3, and then the oil change express, shrink that, we can get it all down, you can cut that down.

MR. KRIEGER: Oil change express are same or separate businesses?

MR. BABCOCK: No, it's per lot, that's where the problem is.

MR. G. BARIGHT: This is a separate business and car wash is separate, they have a manager, manager of the car wash, manager of the bays, manager of the lube.

MR. BABCOCK: Mr. Chairman, what the new ordinance says you're allowed one freestanding sign per lot, if they were to go to the planning board, which may be difficult to do, but, and subdivide it so that each building was on a separate lot, then they would be allowed to have three signs, Perkin's had their own sign because they are on their own lot, they had their own sign. What I'm saying is that the whole theory of them having three signs is for the three different businesses, basically, they want to put all three businesses on each sign, but it's three businesses on one lot.

MR. KANE: I think to cut down on Temple Hill Road is a good concession.

MR. G. BARIGHT: Yeah, we can do that.

MR. TORLEY: Tell me again why you had to exceed the

sign height on the other two signs?

MR. G. BARIGHT: With the three different things, changeable copy, you want it up so people can't change it.

MR. KRIEGER: For the safety of the motorists.

MR. BARIGHT: Just for viewing, if you're coming down the road here or pulling out you'd be able to.

MR. KANE: Compared to the Perkin's sign that's out there now, what's the height?

MR. RAAB: Perkin's sign, it's not out there anymore, but if I recall correctly, going from the one in Newburgh still the Perkin's sign was higher, was higher and it was not as much square footage but it's close, a lot closer.

MR. G. BARIGHT: Part of the reason of the height we had to start from down here to get it, if we make it shorter then it moves down lower.

MR. TORLEY: Yeah, but if you shrank it, you're asking for five feet sign height?

MR. G. BARIGHT: 4 foot 2.

MR. TORLEY: Mine says 5.

MR. RAAB: Yes, this is ingress only here, we're entering only so this sign could come down because you're not parked next to that sign trying to look up and down the road.

MR. TORLEY: Now, my recollection is, speaking of entrances, is that you had the same number of road cuts as before?

MR. G. BARIGHT: Let's go through that, that's on this one here. This is the existing, the way it is now, on Route 94 right, now you can actually go in and out of this curb cut here and you can go in and out when you go, go into Perkin's, this one here, was an entrance

and exit, this one here was an exit only, this was an entrance for us, this is an entrance and exit for us, mostly for Perkin's, this is entrance and exit also so you could go through here. You can come in here and pretty much do whatever you wanted to.

MR. T. BARIGHT: So what we end up with ingress egress in and out in and out exit, there's a lot of places where you can come in and out, what we have done is only place, you'll enter this property which has been the number one entrance location since the '60's but everyone will enter right here.

MR. G. BARIGHT: We're eliminating the curb cut existing now, we're going to be eliminating that which is closest to the intersection that will be removed these two here, one is exit only, so I won't be able to enter here, it will be do not enter signs here and this one here, which is another one will be an exit only, so you would be able to come in here also.

MR. KANE: So, your entrances are on the same street and exit only onto the main roads?

MR. RAAB: Yes.

MR. TORLEY: Therefore, this plan would increase traffic safety in the area?

MR. RAAB: Yes.

MR. G. BARIGHT: Part of it is the stacking which right now, if you are familiar with the car wash, the building is right here, when you come in, if we're pre-selling in the winter, we're selling right here so you can only stack four cars before you go to the road, by moving it closer to the side yard, this is the pre-sell booth which the automatic entrance is right here, so we'll have a lot more stacking and then the entrance to the car wash is over here, so it gives us all this stacking here and then the entrance to the automatic is right here, closer to the road, it sticks out a little bit so when you come out, the drip off space is not on the lot now when you exit the car wash, you have to make a 90 degree left-hand turn and you

have a lot of drip off space here, which is better.

MR. TORLEY: Gentlemen, at this point, I wanted to open this to the public. As part of that, I have a letter I wish to place on the record to the ZBA from Mr. Sam Banke, B-A-N-K-E, for S & S Properties, Inc., I own a building next door and I object to a variance to allow TGS Associates to go ahead with it, it's allows TGS to build a high building and insufficient side yard in addition to oversize signage will affect the resale and lease value of my small building, one store. I'm very concerned that it may block the visibility of my property, therefore, reducing its value. Thank you in advance for your consideration. I remain Samuel Banke, S & S Properties Incorporated. Do you have any objection? I'll put this in the record as well.

MR. G. BARIGHT: This building over here?

MR. TORLEY: Yes.

MR. RAAB: Board want us to address that?

MR. TORLEY: His building sits very close to the road there, as I recall.

MR. RAAB: Very close to the road, you can't see his building through here anyway because of the dumpster and whatnot behind.

MR. KRIEGER: If the proposed new building is permitted, how will it be in height in relation to that building, higher, the same?

MR. RAAB: Yes.

MR. T. BARIGHT: Higher than his building.

MR. G. BARIGHT: He will be higher but not as high as most buildings.

MR. KRIEGER: How will it be height wise in relation to the two existing building on the property?

MR. RAAB: Perkin's now is 18 feet and we're proposing

20 feet tall.

MR. BABCOCK: Mr. Chairman, just for the record, they were in on the 9/13/99 agenda for this building for a side yard setback and for a height variance and their height variance is of 11 feet, that's what they are asking for.

MR. TORLEY: That's because of the--

MR. BABCOCK: Because of the side yard, the height is determined by the closest yard.

MR. T. BARIGHT: The height is a requirement, is the component of the side yard, that's why we need a height variance, not because it's too high, not because it's necessarily because it's tall, only because of the proposed side yard.

MR. KRIEGER: If permitted, it will be of a height consistent with most of the other buildings in the neighborhood.

MR. T. BARIGHT: It will be as tall or less tall as the Monro and it's only two feet taller than the Perkin's building to give some relationship, it's two feet taller than Perkin's.

MR. G. BARIGHT: Part of this over here we're eliminating this which right now is all blacktop right now.

MR. RAAB: 1,500 square feet of blacktop.

MR. TORLEY: Let's, at this point, open it up, does anyone in the audience wish to speak on this matter? Seeing no one, I'll close the public hearing and return it to the board members. Gentlemen? I have a couple questions. You say your, since you're increasing the landscaping and decreasing the hard surface to cover, if anything reduces the runoff from this property.

MR. RAAB: That's correct.

MR. TORLEY: And you have also reduced the number of

road cuts and improved the traffic flow so in your opinion, you'll have a greater safety of your patrons?

MR. RAAB: Yes.

MR. KRIEGER: And it provides for greater stacking of cars on the property as opposed to on the road?

MR. RAAB: Yeah, keeps their business on site at all times.

MR. TORLEY: They meet all the parking requirements?

MR. BABCOCK: Yes.

MR. TORLEY: I don't know what kind of parking requirements are for car washes.

MR. BABCOCK: Well, for the oil and lube, you know, it's all been figured out.

MR. REIS: So we don't have to stretch the variances? Is there any way that you can reduce the height of the proposed building, is that possible?

MR. BARIGHT: It's not that the building isn't higher, we're not looking for a, if it was over here, it would eliminate stacking, but the building, the height won't be--

MR. TORLEY: How high is the building itself?

MR. T. BARIGHT: Twenty feet.

MR. TORLEY: Gentlemen, I would, if it's agreeable to you, I'd suggest we take a motion on the area variances and then go back to the signage.

MR. MCDONALD: I'll make that motion to approve.

MR. KANE: Second it.

MR. TORLEY: We're now considering a motion to grant TGS Associates the variance for 20 foot side yard 11 foot maximum building height.

MS. BARNHART: Area only.

MR. TORLEY: Area only at this point.

ROLL CALL

MR. MCDONALD	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. TORLEY	AYE

MR. TORLEY: Now on the signs.

MR. KANE: Signs, we need just to clarify, sign A is on Route 94, you're looking for a variance of 62 square feet, 4 foot 2 inch high height variance and the same with sign C, 62 square foot, 4 foot 2, and B you have offered to cut that sign down in half, so instead of the 62 square foot, and 4 foot 2 inch, where are we going?

MR. TORLEY: Still requires a full area variance because not allowed to have the sign anyway so you have to ask, that third sign is not permitted so--

MR. KANE: Well, first we need to know why we've got to give him a variance to have the third sign, okay, and then you also have to cut down the area, cutting down the area so we're not going to give him the whole 500 square feet.

MR. TORLEY: I suggest that we have the variance motion for that would be for the, a third sign of X height or X area in one motion.

MR. KANE: Okay, but we still need to know.

MR. TORLEY: So what size are you going to go for?

MR. RAAB: What we're asking for is basically is to clarify something here, is that the signs, other than the chart you're reading, you double them, okay, well, 188 or something like that, okay, so you include both sides, so what we propose is two signs of 188 square



feet, one sign of 94 square feet.

MR. TORLEY: Even the 94 square foot one is still 30 square foot bigger than the permitted freestanding sign.

MR. BABCOCK: 64.

MR. TORLEY: Now, as a counter-example, a regular road directional sign is specified by DOT and they are just, would be an entrance sign or something, I'm not quite sure what would one of those look like.

MR. G. BARIGHT: Perkin's had parking signs, it says Perkin's, what they were, they had signs that said enter, they were like--

MR. BABCOCK: They vary, the do not enter signs.

MR. RAAB: Ten square foot total and they put the logo on. Wendy's has them.

MR. G. BARIGHT: Part of the problem is that we have three roads and we have one entrance and we don't want people to come down the road here and we want them to see before the light, so they can turn coming here and that is part of it if we had one road, it wouldn't be a problem.

MR. TORLEY: Mike, a business is permitted to have traffic control signs at any or all of the entrances and exists, are they not?

MR. BABCOCK: Yes, and I would be very surprised if the planning board doesn't discuss that with these gentlemen about if you have one way entrance, you have to have a sign. Nobody's going to know.

MR. RAAB: They'll be plenty of that, you're absolutely right.

MR. KANE: I move that we approve the sign variance as requested for designated signs A and C, total of 188 square foot a piece and the height 4 foot 2 inch height variance.

MR. REIS: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. TORLEY	AYE

MR. TORLEY: We have two more, really the facade sign.

MR. KANE: And now I move that we approve the requested variance for an additional freestanding sign, sign B, designated sign B at a total of 94 square feet.

MR. MCDONALD: Second it.

MR. KANE: And let me clarify something first on the height of the sign, that sign is going to be lower as far as the other so you're not--

MR. G. BARIGHT: Yeah, wherever we start and we'll go from there but since it's a lot smaller.

MR. KANE: If you're going to cut it down, you wouldn't need a height variance for that, I just want to clarify that.

MR. RAAB: That's right.

MR. KANE: Motion stands as is.

MR. MCDONALD: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. TORLEY	NO

MR. TORLEY: Next one is for the facade sign.

MR. BARIGHT: Facade signs, there's two signs, one will

be the car wash sign on the war cash, one will be oil change and the oil change you're allowed 8 x 10?

MR. BABCOCK: 2 1/2 x 10.

MR. G. BARIGHT: What I did is I made one 2 x 10 cause it fit, we were able to get it together right, I took the other one 10 x 8 sign, there's a car wash sign on the building that will be removed, so the one is 1.4, the square footage coming out the same, that's the end result.

MR. RAAB: I didn't realize you needed a variance for this.

MR. G. BARIGHT: Square footage is the same.

MR. BABCOCK: Yeah, they do.

MR. G. BARIGHT: It's 20 square feet.

MR. KANE: So basically we're not adding to the square footage, we're just changing the shape of the sign.

MR. G. BARIGHT: Yes, we shrunk the height down.

MR. RAAB: They had one foot four inch times 15 feet times 20 square feet.

MR. KANE: It's the same square footage, I don't have a problem with it.

MR. TORLEY: Entertain a motion on the last signage.

MR. MCDONALD: I'll make that motion.

MR. KANE: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. TORLEY	AYE

**COPY**

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT  
(914)563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF  
APPEALS.**

**DATE:** September 15, 1999

**APPLICANT:** T.G.S. Associates INC.  
15 East Market Road  
Red Hook, New York 12571

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:** 9/15/99

**FOR :** 1'4" x 15' Facade Sign.

**LOCATED AT:** 5 Old Temple Hill Road

**ZONE:** C Sec/ Blk/ Lot: 69-3-2

**DESCRIPTION OF EXISTING SITE:** Foam & Wash Car Wash & Perkins

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

1. 48-18, 1(b 1) Façade signs. 1 sign not to exceed 2.5(Hgt) X 10 FT (width) located on the building Façade.

*Louis Klychman/ccl*  
**BUILDING INSPECTOR**

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: C USE:

SIGN: 1 Facade

FREESTANDING:

HEIGHT: 10' 15' 5'

WIDTH:

WALL SIGNS:

TOTAL ALL SIGNS:

FEET FROM ANY LOT LINE:

cc: Z.B.A., APPLICANT, FILE, W/ATTACHED MAP

**COPY**

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit #: \_\_\_\_\_

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises T.G.S. Assoc. Inc.

Address Rt 32, Rt 94 + Old Temple Hill rd. Phone 255-9121

Mailing Address RD #3, Box 255

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor Glenn New Sign

Address Spring St. Poughkeepsie Phone 421-4366

State whether applicant is owner, lessee, agent, architect, engineer or builder owner

If applicant is a corporation, signature of duly authorized officer. Jerry Bonatti Sec.  
(Name and title of corporate officer)

1. On what street is property located? On the \_\_\_\_\_ side of \_\_\_\_\_  
(N,S,E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_

2. Zone or use district in which premises are situated C.B. Is property a flood zone? Y \_\_\_\_\_ N \_\_\_\_\_

3. Tax Map Description: Section 69 Block 3 Lot 2

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy car wash / Rest b. Intended use and occupancy car wash / oil change

5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒

6. Is this a corner lot? Yes - two corners

7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height 1'4" x 15' No. of stories \_\_\_\_\_

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_

Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost \_\_\_\_\_ Fee \_\_\_\_\_

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

By: L. Babcock  
Th. A. Louis Krychear

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.  
The location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.  
Plans and specifications must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and details of structural, mechanical and plumbing installations.  
No work covered by this application may not be commenced before the issuance of a Building Permit.  
Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.  
The building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Ang Banti  
(Signature of Applicant)

RD #3 Box 255, Red Hook NY  
(Address of Applicant)

Ang Banti  
(Owner's Signature)

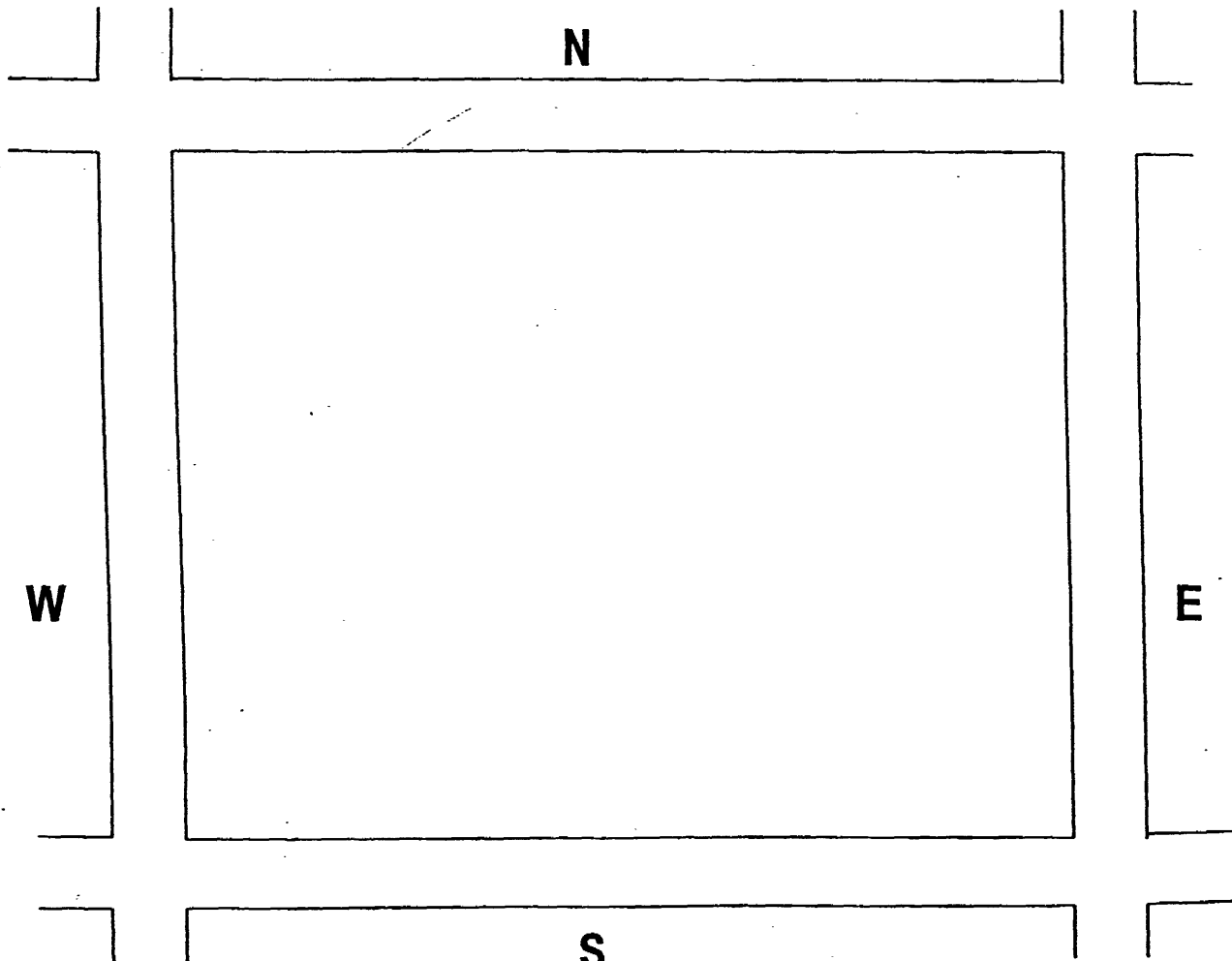
(Owner's Address)

PLOT PLAN



**NOTE:**

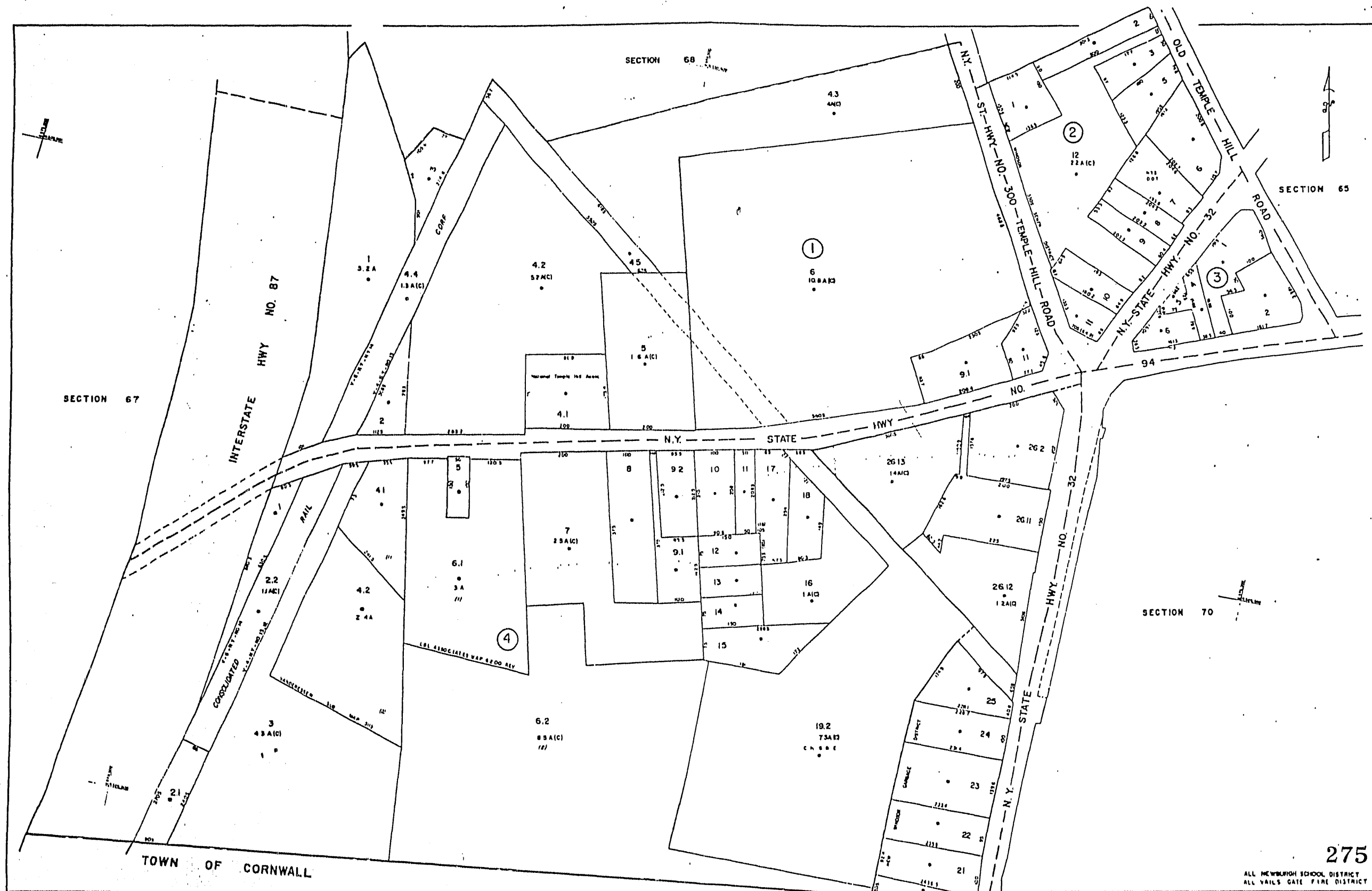
Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



1'-4"

**OIL CHANGE EXPRESS**

15'-0"



AERO SERVICE  
CORPORATION  
A DIVISION OF AEROMAP, INC.  
FOR TAX PURPOSES ONLY  
NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY TOWN OR VILLAGE	BASEMENT LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
BLACK & WHITE LINE	WATER LINE	DATE OF	STATE HIGHWAY
RED LINE	STREAM	DATE OF	COUNTY HIGHWAY
ORANGE		DATE OF	TOWN ROAD

ORANGE COUNTY-NEW YORK

Photo No. 8-497,498-19-45 Date of Map 9-24-67  
Date of Photo 3-1-65 Date of Revision 3-1-67  
Scale 1" = 50'

TOWN OF NEW WINDSOR

Section No. 69

275

ALL NEWBURGH SCHOOL DISTRICT  
ALL VAILS GATE FIRE DISTRICT

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**COPY**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

**DATE:** September 15, 1999

**APPLICANT:** T.G.S. Associates INC.  
15 East Market Road  
Red Hook, New York 12571

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:** 9/15/99

**FOR :** Two additional freestanding signs.

**LOCATED AT:** 5 Old Temple Hill Road

**ZONE:** C      Sec/ Blk/ Lot: 69-3-2

**DESCRIPTION OF EXISTING SITE:** Foam & Wash Car Wash & Perkins

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

1. 48-18H, 1a Freestanding signs: only one Freestanding sign not to exceed 64 Sq. Ft. Total, all faces is permitted such sign shall not exceed 15FT from top of sign to ground level.

Louis Krychar/cd  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: C USE: 1 Freestanding sign

3 Freestanding signs

2 Freestanding signs

SIGN:

FREESTANDING:

HEIGHT: 15'

19'2"

4'2"

WIDTH:

WALL SIGNS:

TOTAL ALL SIGNS: 64Sq. Ft.

3 X 188' Sq.Ft.  
Or 564 Sq. Ft.

500 Sq. Ft.

FEET FROM ANY LOT LINE:

cc: Z.B.A., APPLICANT, FILE, W/ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit #: \_\_\_\_\_

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises T.G.S. Assoc.

Address Rt 32, Rt 94 + Old Temple Hill Rd Phone 753-8121

Mailing Address RD # 3 Box 255

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor Glad. New Sign

Address Spring St. Parkersburg Phone 471-4366

State whether applicant is owner, lessee, agent, architect, engineer or builder owner

If applicant is a corporation, signature of duly authorized officer. Don Brink  
(Name and title of corporate officer)

1. On what street is property located? On the \_\_\_\_\_ side of \_\_\_\_\_  
(N,S,E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_
2. Zone or use district in which premises are situated CB Is property a flood zone? Y \_\_\_\_\_ N X
3. Tax Map Description: Section 33/500 69 Block 3 Lot 2
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy Car wash / Rest. b. Intended use and occupancy Car wash / oil change
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒
6. Is this a corner lot? Yes - two corners 2 Signs 94 ft x 2 = 188
7. Dimensions of entire new construction. ~~Width~~ 9 ~~Height~~ 11'6" Depth \_\_\_\_\_ Height 19'2" No. of stories \_\_\_\_\_
8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_
- Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_
- Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_
- \_\_\_\_\_
10. Estimated cost \$ 2,000 Fee \_\_\_\_\_

/ /  
date

**APPLICATION FOR BUILDING PERMIT**  
**TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK**  
Pursuant to New York State Building Code and Town Ordinances

**Building Inspector: Michael L. Babcock**  
**Asst. Inspectors Frank Lisi & Louis Krychear**  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(914) 563-4618  
(914) 563-4693 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

**INSTRUCTIONS**

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Nam Bani  
(Signature of Applicant)

RD #3 Box 255 Red Hook NY  
(Address of Applicant)

Nam Bani  
(Owner's Signature)

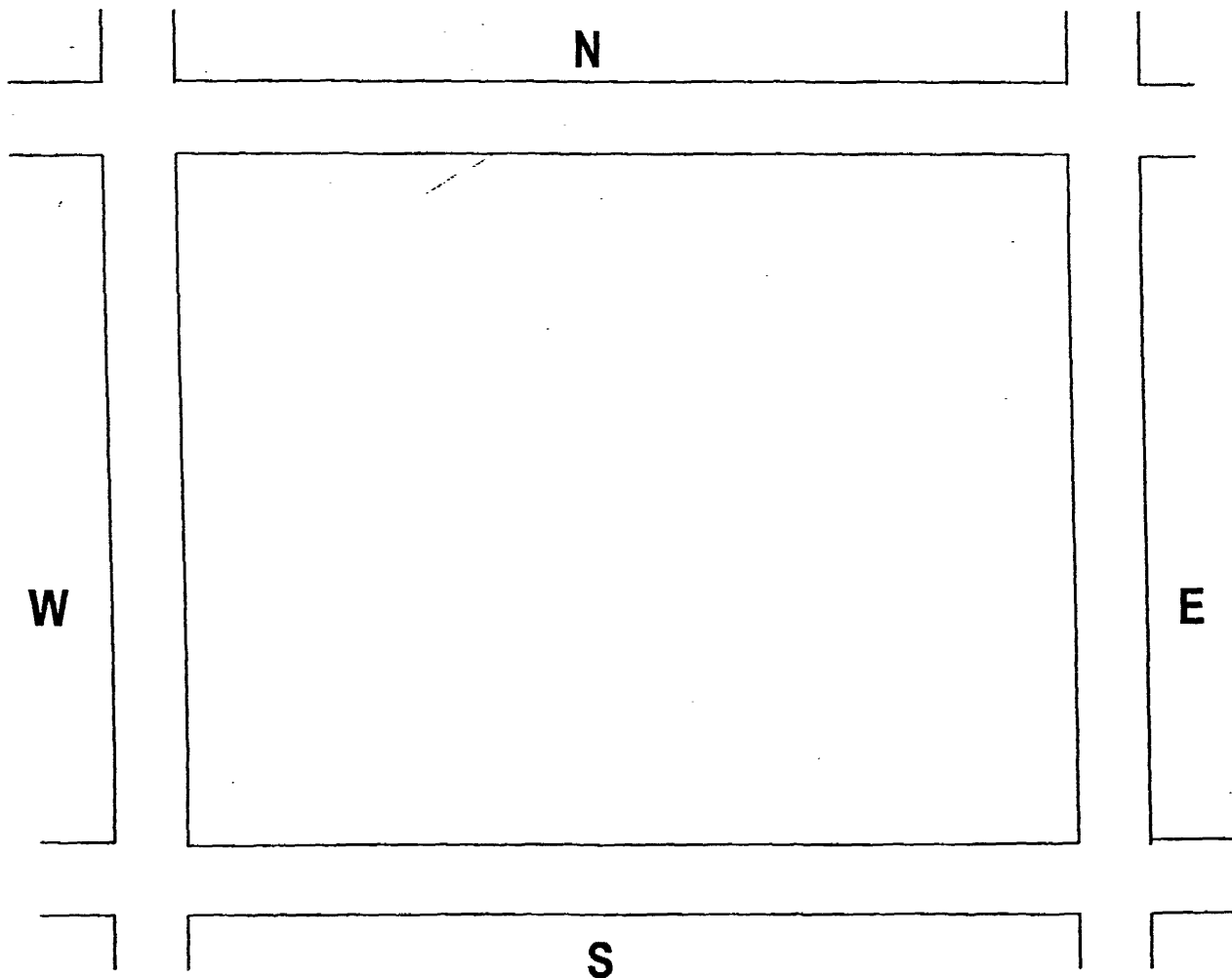
12571  
(Owner's Address)

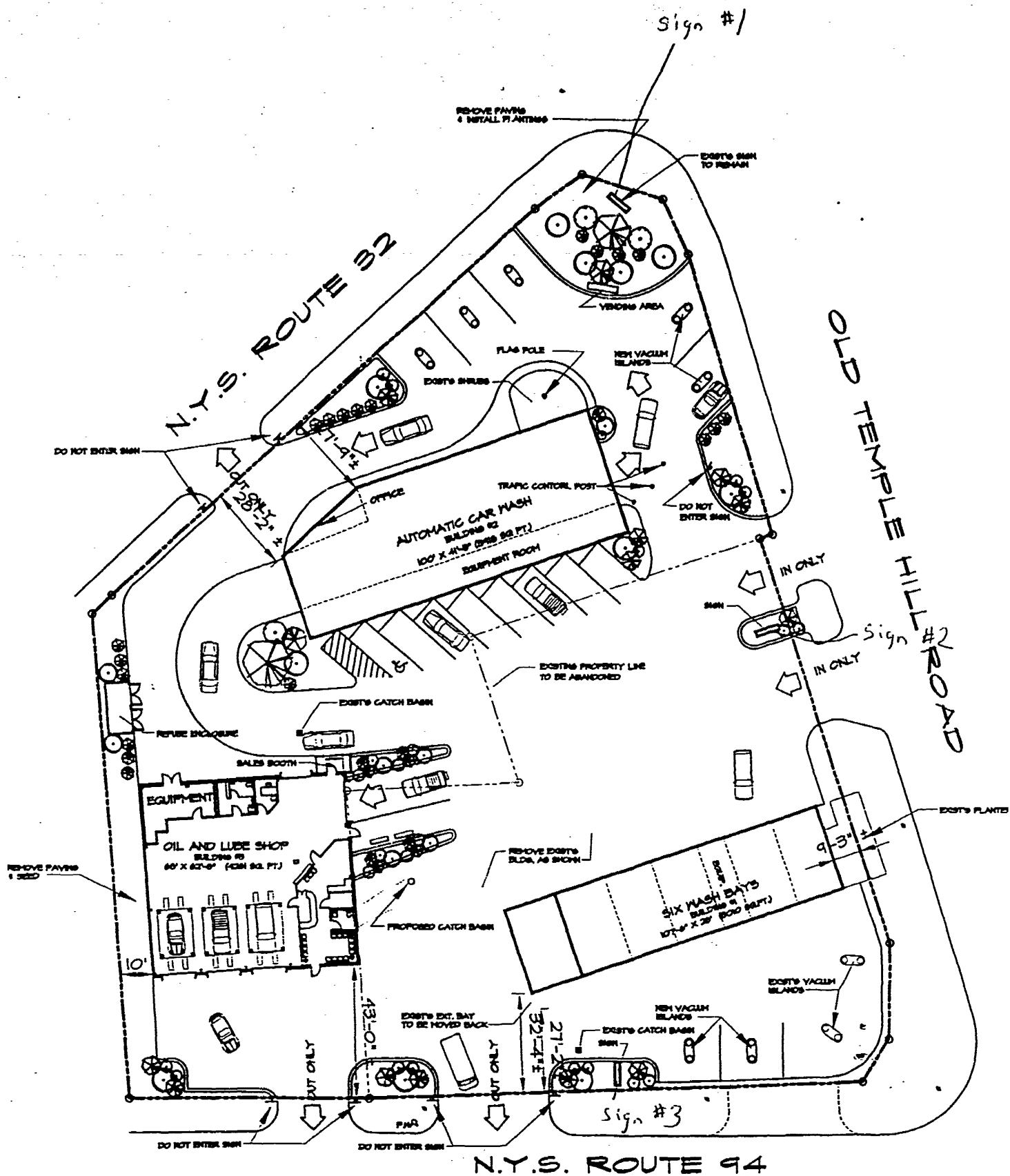
**PLOT PLAN**



**NOTE:**

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





**NOTE:**

PROPERTY LINES AND EXISTING BUILDING LOCATIONS TAKEN FROM MAP OF SURVEY FOR BARRETT ENTERPRISES INC. PREPARED BY ROBERT L. CAMPBELL JOB NUMBER 94-18 DATED 04/18/80 AND SURVEY LANDS OF RICHARD S. BARRETT PREPARED BY VINCENT J. DOCE ASSOCIATES DATED 6/8/80.

To: ZONING BOARD OF APPEALS

9/27/99

563-4693

Rec'd. &amp; filed

FROM - SAM BANKE

25A

9/27/99. (pb)

FOR S+S PROPERTIES INC

928 9787

I own a building next door and I object to a variance to allow TGS Associa to go ahead with its plans, allowing "TGS" to build a high building and insufficient side yard, in addition to oversize signage will affect the resale & lease ~~will~~ value of my small building (one story).

I am very concerned that it may block the visibility of my property, therefore, reduce its value. Thanking you in advance for your consideration, I remain,

Samuel Banke  
for S+S Properties Inc.

SAMUEL BANKE

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK**

**In the Matter of the Application for Variance of**

TGS ASSOC. Applicant.

# 99-38.

**AFFIDAVIT OF  
SERVICE BY  
MAIL**

STATE OF NEW YORK)  
COUNTY OF ORANGE) SS.:

**PATRICIA A. BARNHART, being duly sworn, deposes and says:**

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on 9/16/99, I compared the 34 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart  
Patricia A. Barnhart

Sworn to before me this  
17th day of Sept, 1999.

Nery Gutierrez  
Notary Public

MARY ANN HOTALING  
Notary Public, State of New York  
No. 01HO5062877  
Qualified in Orange County  
Commission Expires July 8, 2000

Norstar Bank or Upstate N.Y.  
Facilities Management  
P.O. Box 911  
Newburgh, NY 12550

Mans Brothers Realty Inc.  
PO Box 247  
Vails Gate, NY 12584

34  
The Vails Gate Fire Company  
PO Box 101  
Vails Gate, NY 12584

Shedden Joan A  
PO Box 608 A  
Vails Gate, NY 12584

Aquino John & Gregory Mellick  
9 Hawthorne Place  
Apt 2n  
Boston, MA 02114

V.G.R. Associates, LLC  
C/o Irving S. Bobrow, Mgr  
40 East 69<sup>th</sup> Street  
NY, NY 10021

Albany Savings Bank  
94 Braodway  
Newburgh, NY 12550

Billa Family Partnership  
158 North Main Street  
Florida, NY 10921

Angelo Rosmarino Enterprises, Inc.  
PO Box 392  
Vails Gate, NY 12584

Prekas Steve  
3 Warden Circle  
Newburgh, NY 12550

Prekas Steve  
C/o ACSIS Foods Ind.  
PO Box 212  
Vails Gate, NY 12584

FFCA Acquisition Corp  
17207 North Perimeter Drive  
Scottsdale, AZ 85255

R & S Foods Inc.  
249 North Craig Street  
Pittsburgh, PA 15213

NYS Dept. of Transportation  
Office of the State Comptroller  
A.E. Smith Office Bldg  
Albany, NY 12236

Mobil Oil Corp  
Property Tax Department  
PO Box 290  
Dallas, TX 75221

Grana John  
PO Box 317  
Vails Gate, NY 12584

Primavera Properties Inc.  
PO Box 177  
Vails Gate, NY 12584

House of Apache Properties LTD  
52 Elm Street  
Huntington, NY 11743

Amerada Hess Corp. C/o Dean E.  
Cole, Mgr. Property Tax Dept  
1 Hess Plaza  
Woodbridge, New Jersey 07095

MCB Partnership  
521 Green Ridge Street  
Scranton, PA 18509

Green Gregory P  
PO Box 212 Shields Road  
Cornwall, NY 12518

TGS Associates Inc.  
15 East Market Street  
Red Hook, NY 12571

S & S Properties Inc  
123 Quaker Road  
Highland Mills, NY 10930

Lekis Edward & Jo Ann M  
PO Box 204  
Vails Gate, 12584

DB Companies DBA DB Mart  
Convenience Stores  
PO Box 9471  
Providence, RI 02940

Franchise Realty Interstate Corp.  
C/o Colley & McCoy Co.  
PO Box 779  
Croton Falls, NY 10519

Tosco Salvatore & Carolina  
7 Truex Circle  
New Windsor, NY 12553

Leonardo Constantine By Will  
94-96 Maple Street  
Newburgh, NY 12550

Leonardo Samuel  
7 Dogwood Hills Road  
Newburgh, NY 12550

Hughes Terry Scott  
18 Ellison Drive  
New Windsor, NY 12553

Route 94 Associates, LLC  
2 Hearthstone Way  
New Windsor, NY 12553

Youngberg Bettina  
12 Truex Circle  
New Windsor, NY 12553

Melore Phillip M & Christina M  
10 Truex Circle  
New Windsor, NY 12553

4 Acres LLC  
Gardner Plus 3  
104 South Central Avenue  
Valley Stream, NY 11580-5461

**PUBLIC NOTICE OF HEARING**

**ZONING BOARD OF APPEALS**

**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

**Appeal No. 38**

**Request of TGS ASSOCIATES**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Conversion of former Perkins Pancake House building to part of car wash and new construction for lube, with insufficient side yard and more than the allowable maximum building height for the new construction; and more than the allowable signage;**

**being a VARIANCE of Section 48-12-Table of Use/Bulk Regs.-Cols. F & I and Section 48-18 – Supplemental Sign Regs.**

**for property situated as follows:**

**Rt. 32 @ Old Temple Hill Road, New Windsor, N. Y. 12553**

**known and designated as tax map Section 69 Blk. 3 Lot 2**

**PUBLIC HEARING will take place on the 27th day of September, 1999 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.**

**James Nugent  
Chairman**

PUBLIC NOTICE OF HEARING  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 38

Request of TGS ASSOC.

for a VARIANCE of the Zoning Local Law to Permit:

Conversion of former Perkins bldg. to part of car wash and new construction of lube & signage; with insufficient sideyard & more than the allowable height for the new construction;  
being a VARIANCE of Section 48-12-Table of Use/Bulk Regs., Cols. F+I  
Sec. 48-18-Supp Sign Regs.

for property situated as follows:

Rt. 32 @ Old Temple Hill Rd., New Windsor, N.Y. 12553.

known and designated as tax map Section 69, Blk 3, Lot 2.

SAID HEARING will take place on the 27<sup>th</sup> day of Sept., 1999, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

---

Chairman



TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
APPLICATION FOR VARIANCE

# 99-38.

Date: \_\_\_\_\_

I. Applicant Information:

- (a) TGS Associates Inc. RD#3 Box 255 Reel Haul NY 12571 / 758-9121  
(Name, address and phone of Applicant) (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) Woody Klose 35 Market Street Reel Haul 758-8871  
(Name, address and phone of attorney)
- (d) Alman, Mari Associates Mill St. Poughkeepsie 452-1030  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. Property Information:

- (a) CB Rt 32 at Temple Hill Rd 69/3/2 1.28  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? NA
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 5/9 & 1965
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO  
If so, when? NA
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance. NA

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:  
(Describe proposal) \_\_\_\_\_

(2)

... legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_\_\_ No \_\_\_\_\_.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <i>* Please see attached</i> _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(please see pg #8 attached)

(You may attach additional paperwork if more space is needed)

VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation.

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

... (trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

(please see pg # 9 attached)

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ NA Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$150.00 and the second check in the amount of \$500.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: 7/22/99

STATE OF NEW YORK)  
                   Dutchess ) SS.:  
 COUNTY OF ~~ORANGE~~ )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Doug Bought  
 (Applicant)

Sworn to before me this

22 day of July, 1999.

SHIRLEY R. BUNTEN  
 Notary Public, State of New York  
 No. 4765169  
 Qualified in Dutchess County  
 Commission Expires Apr 30, 2000

XI. ZBA Action:

(a) Public Hearing date: \_\_\_\_\_

(b) variance: granted ( ) Denied ( )

(c) Restrictions or conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

**Town of New Windsor ZBA Application  
T.G.S. Associates Inc. DBA Foam & Wash**

**Application Index:**

Pg #1 - 5	Application
Pg #6	Index
Pg #7	Site Plan zoning data chart, supports Part V
Pg #8	Letter in support of variance request (VB)
Pg #9	Notes in support of VIII
Pg #10	Referral from Planning Board
Pg #11	Tax map showing neighboring properties
Pg #12A & B	Deed and title policy
Pg #13A, B, C	Color copies of site
Pg #14A	Signs
Pg #15	Public notice of hearing

# ZONING DATA CHART

TOWN OF NEW WINGOR

ZONE C		REQUIRED	EXISTING	PROPOSED	VARIANCE REQ'D
LOT AREA		MIN 40,000 SQ. FT.	55,866.8 SQ. FT. ±	55,866.8 SQ. FT. ±	—
LOT FRONTAGE	N.Y.S. ROUTE 52 OLD TENLIFE HILL ROAD N.Y.S. ROUTE 44	MIN 200 FT.	214 FT. - 6 IN. 242 FT. - 6 IN. 241 FT. - 5 IN.	214 FT. - 6 IN. 242 FT. - 6 IN. 241 FT. - 5 IN.	— — —
DEPTH OF LOT		MIN N/A	N/A	N/A	—
LOT COVERAGE BY BUILDING		—	1,000.25 SQ. FT. ±	1,121 SQ. FT. ±	—
FLOOR AREA RATIO		MAX 5	15	20	—
BUILDING HEIGHT	BUILDING #1 BUILDING #2 BUILDING #3	MAX 4 FT. - 3 IN. 27 FT. - 2 IN. 10 FT.	10 FT. - 6 IN. 10 FT. - 6 IN. N/A	10 FT. - 6 IN.* 15 FT. - 6 IN. 21 FT.	4 FT. - 3 IN. — 1 FT.
FRONT YARD SETBACK	N.Y.S. ROUTE 52 OLD TENLIFE HILL ROAD N.Y.S. ROUTE 44	MIN 60 FT.	21 FT. - 4 IN. ± 4 FT. - 3 IN. ± 21 FT. - 2 IN. ±	20 FT. - 2 IN. * 4 FT. - 3 IN. * 32 FT. - 4 IN. *	50 FT. - 10 IN. 50 FT. - 4 IN. 20 FT. - 6 IN.
SIDE YARD SETBACKS		MIN 30 FT. TOTAL - 10 FT.	40 FT. - 6 IN. ± N/A	10 FT. N/A	20 FT. —
REAR YARD SETBACK		MIN 30 FT.	N/A	N/A	—
PARKING		MIN N/A	—	6 SPACES	—

BUILDING #1: SIX WASH BAYS  
BUILDING #2: AUTOMATIC CAR WASH  
BUILDING #3: OIL AND LUBE SHOP

\* PRE-EXISTING NON-CONFORMING

## NOTE:

ALL LOTS REPRESENTED ON THIS SITE PLAN WILL BE COMBINED INTO A SINGLE LOT AS A CONDITION OF THE SITE PLAN APPROVAL.

127



RD 3, Box 255 • Red Hook, New York 12571 • 914-758-9121 • Fax: 914-758-6336 • 1-800-688-WASH

July 14, 1999

## TGS ASSOCIATES INC. AND FOAM AND WASH CAR WASH VARIANCE REQUEST

Foam and Wash is requesting a side yard set back variance and a height variance. We propose to place a new, 21' high, building 10 feet from our side yard property line. The proposed building will contain our new Oil Change Express and detailing/polishing services. The variance will allow the detailing and polishing to be done inside the building in lieu of outside. This will eliminate the need for parking or driving between the building and the property line. We will remove 1560 square feet of existing paving (between the building and property line) and replace it with grass and landscaping as shown on the plan.

Our proposed attractive white block building will help block the poor aesthetics of our neighbors back yards. We will be in keeping with the neighborhood where many buildings are nearby their property lines, much like in rural villages.

The project provides a good traffic flow, open spaces, and an increased amount of landscaping. Also note one existing curb cut will be eliminated. We respectfully request you allow this variance while we continue to do our best to support the community.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd A. Baright", written over a horizontal line.

Todd A. Baright  
President



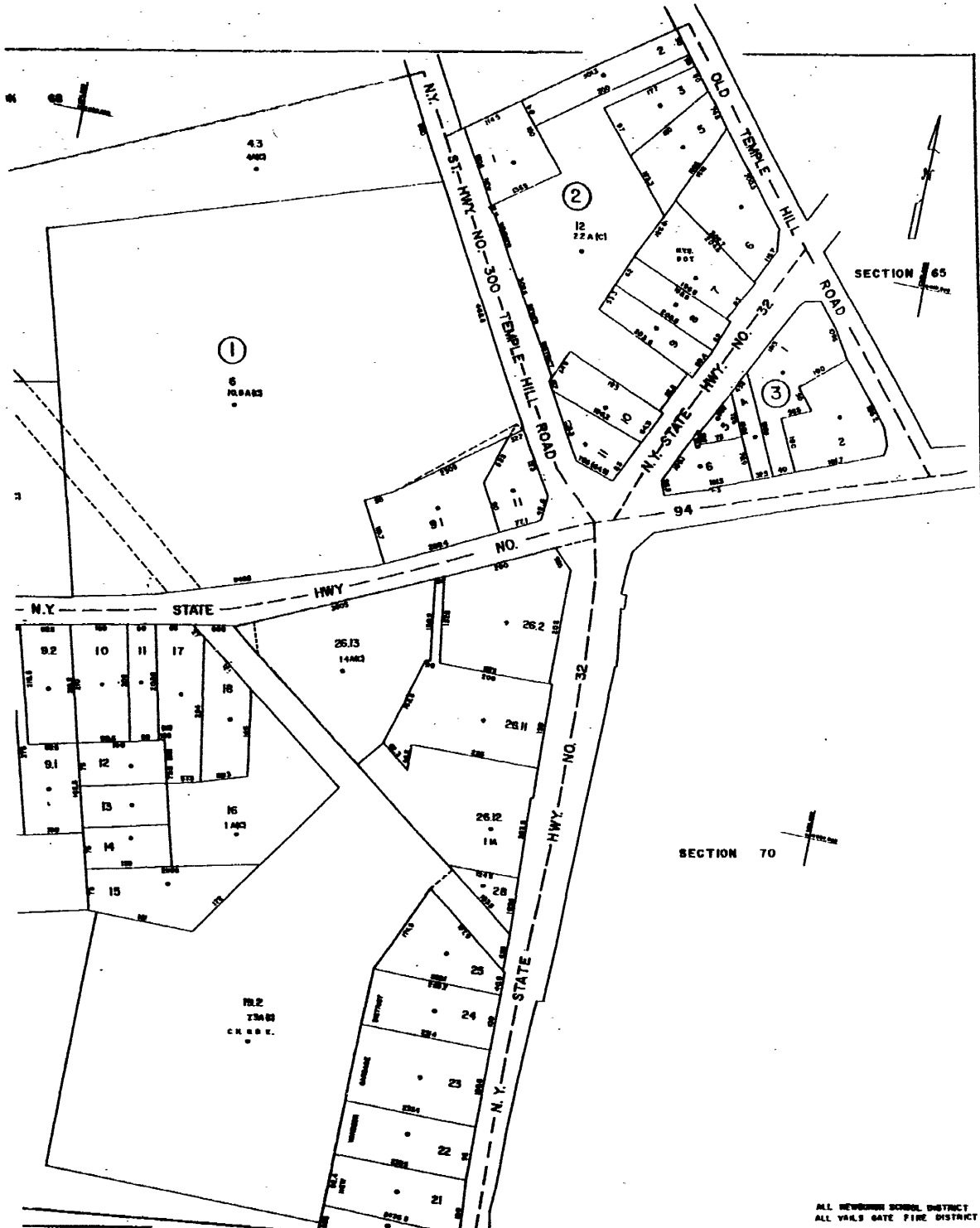
**VIII. Additional comments / T.G.S. ZBA Application**

The property now has virtually no grass area and minimal landscaping. This proposal adds over 1,600 sq. ft. of seeded area and over 60 new plantings. A large existing curb cut on Rt. 94 will be eliminated.

Moving the building 20' will also increase car wash and oil change stacking space. We believe the site plan creates a simple traffic flow with open spaces.

537

11A



LAND PLAN NUMBER	65
LAND PLAN DATE	1950
STATE	N.Y.
COUNTY	ORANGE
TOWN	NEW WINDSOR
SECTION	65

# ORANGE COUNTY-NEW YORK

Photo No. 8-497,498-50-51  
 Date of Photo 3-1-50  
 Date of Map 3-1-50  
 Date of Purchase 3-1-50  
 Scale 1" = 100'

## TOWN OF NEW WINDSOR

Section No. 65

11 B

TABLE 1.100 OF THE CODE

**SECTION 69**

TOWN OF

Prepared by

**AERO SERVICE CORPORATION**

A DIVISION OF LITTON INDUSTRIES  
AEROSPACE DIVISION, MILWAUKEE, WIS.

**FOR TAX PURPOSES ONLY**

**NOT TO BE USED FOR COMMERCIAL**

[illegible]

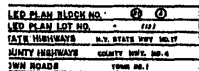


Photo No. 16-48, 7-348 Date of Map: 7-24-87  
Date of Photo: 3-1-88 Date of Revision: 3-1-88  
Scale: 1" = 400'

Section No. 65

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE  
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

12 A

PRINT OR TYPE: BLACK INK ONLY

Richard S. Bright D/B/A  
Bright Realty

TO

TGS Associates Inc

SECTION 69 BLOCK 3 LOT 2

RECORD AND RETURN TO:  
(Name and Address)

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY.

Woody N. Klose Esq  
35 East Market St  
Red Hook, NY 12571

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 57252 DATE 6/20/90 AFFIDAVIT FILED 19

INSTRUMENT TYPE: DEED X MORTGAGE        SATISFACTION        ASSIGNMENT        OTHER       

BG20 Blooming Grove         
CH22 Chester         
CO24 Cornwall         
CR26 Crawford         
DP28 Deerpark         
GO30 Goshen         
GR32 Greenville         
HA34 Hamptonburgh         
HI36 Highlands         
MK38 Minisink         
ME40 Monroe         
MY42 Montgomery         
MH44 Mount Hope         
NT48 Newburgh (T)         
NW48 New Windsor         
TU50 Tuxedo         
WL52 Wallkill         
WK54 Warwick         
WA56 Wawayanda         
WO58 Woodbury         
MN09 Middletown         
NC11 Newburgh         
PJ13 Port Jervis         
9999 Hold       

SERIAL NO.       

Mortgage Amount \$       

Exempt Yes        No       

3-6 Cooking Units Yes        No       

Received Tax on above Mortgage

Basic \$       

MTA \$       

Spec. Add. \$       

TOTAL \$       

MARION S. MURPHY  
Orange County Clerk

by:       

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on AUG 9 1990  
at 1:03 O'Clock P.  
In Liber/Film 3330 Dad  
at page 207 and examined.

Marion S. Murphy  
County Clerk

CHECK X CASH        CHARGE       

MORTGAGE TAX \$       

TRANSFER TAX \$ 5

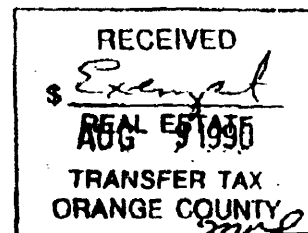
ED. FUND \$ 5.00

RECORD. FEE \$ 14.00

REPORT FORMS \$ 5.00

CERT. COPIES \$       

W. Klose



LIBER 3330 PAGE 207

12A

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 20th day of June, nineteen hundred and ninety

BETWEEN RICHARD S. BARIGHT d/b/a Baright Realty  
15 East Market Street  
Red Hook, NY 12571

party of the first part, and

T G S ASSOCIATES, INC.  
15 East Market Street  
Red Hook, NY 12571

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, at Vails Gate, and bounded and described as follows:

BEGINNING at the northwest corner of this junction of the State Highway and the road leading from Vails Gate to Vails Gate Junction, which point is the southeast corner of the parcel of land herein described and running thence along the westerly side of the road leading to Vails Gate Junction, north 28° 40' west 245 feet to a point 106 feet and 8 inches south of the Snake Hill Turnpike; thence running westerly and at right angles to the first described course, south 61° 29' west 100 feet; thence running southerly and parallel to the first described course 111 feet 6 inches to a point 100 feet north of the State Highway; thence running westerly and parallel to the State Highway 57 feet; thence running south 12° 45' east 100 feet to the northerly side of the State Highway; thence running north 77° 15' east along the northerly side of the State Highway 190 feet to the place of beginning. Being otherwise known and designated as Lots No. 5, 6, 7, 8, 9, 10 and 11 on a map of lands formerly owned by William H. Stone, Esq., at Vails Gate, N.Y., made by William Chadeayne, C.E. in 1906.

EXCEPTING therefrom that portion thereof conveyed to Frank H. Grefe and Theresa M. Grefe, his wife, by Edna DeGroot by deed dated November 13, 1954 and recorded November 15, 1954 in the Orange County Clerk's Office in Liber 1327 of Deeds at page 474.

SUBJECT to utility easements of record.

SUBJECT to easement for sewer lines to the Town of New Windsor.

BEING the same premises conveyed by Peter H. Olympia to Richard S. Baright, d/b/a Baright Realty by deed dated December 19, 1975 and recorded in the Orange County Clerk's Office December 23, 1975 in Liber 2025 of deeds at page 598.\*\*\*

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

\*\*\*ALSO more particularity described as attached SCHEDULE "A"

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written. 12-A

IN PRESENCE OF:

Richard S. Baright  
RICHARD S. BARIGHT

LIBER 3330 DEED

12A

## SCHEDULE "A"

ALL that piece or parcel of land with buildings and improvements thereon situate, lying and being in the Town of New Windsor, County of Orange, State of New York being bounded and described as follows:

BEGINNING at a point in the northwesterly line of the existing N.Y.S. Route 94, said point being on the division line between the lands now or formerly of Brambury Associates on the southwest, northwest, then again on the southwest and northwest and the parcel herein described on the northeast, southeast then again on the northeast, southeast; thence, along the last mentioned division line the following four (4) courses: (1) N26°-33'-14"W 100.00 feet, (2) N64°-23'-41"E 56.48 feet, (3) N41°-22'-36"W 50.00 feet and (4) N48°-42'-16"E 100.00 feet to a point in the southwesterly line of the existing Old Temple Hill Road; thence along the southwesterly and westerly lines of Old Temple Hill Road the following three (3) courses, (1) S40°-38'-16"E 137.72 feet, (2) S21°-44'-01"E 31.04 feet and (3) S09°-20'-37"W 16.42 feet to a point in the aforementioned northwesterly line of N.Y.S. Route 94; thence along the northwesterly line of N.Y.S. Route 94, S65°-12'-21"W 161.74 feet to the point or place of beginning, containing 0.54 acres of land more or less.

SUBJECT to utility easements of record.

SUBJECT to easements for sewer lines of the Town of New Windsor.

LIBER 3330 PAGE 209



12-A

ORG 08/09/90 01:03:10 28889 19.00

DEED CONTROL NO: 577JE

\*\*\*\*\* SERIAL NUMBER: 000241 \*\*\*\*\*

**Bargain and Sale Deed**  
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO.

RICHARD S. BARIGHT d/b/a Baright Realty

SECTION

BLOCK

LOT

COUNTY OR TOWN

**ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE**  
**THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE**



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

**BARIGHT ENTERPRISES, INC.**  
**TO**  
**TGS ASSOCIATES, INC.**

SECTION 69 BLOCK 3 LOT 1  
69 3 4

RECORD AND RETURN TO:  
(Name and Address)

THIS IS PAGE ONE OF THE RECORDING  
ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY

**MOODY KLOSE, ESQ.**  
**33-2, Market St.**  
**888 Hook, N.Y. 12571**

**DO NOT WRITE BELOW THIS LINE**

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

**PROPERTY LOCATION**

- 2000 BLOOMING GROVE (TN)
- 2001 WASHINGTONVILLE (VLG)
- 2200 CHESTER (TN)
- 2201 CHESTER (VLG)
- 2400 CORNWALL (TN)
- 2401 CORNWALL (VLG)
- 2800 CRAWFORD (TN)
- 2800 DEER PARK (TN)
- 3000 BOSHEN (TN)
- 3001 BOSHEN (VLG)
- 3003 FLORIDA (VLG)
- 3005 CHESTER (VLG)
- 3200 GREENVILLE (TN)
- 3400 HAMPTONBURGH (TN)
- 3401 MAYBROOK (VLG)
- 3600 HIGHLANDS (TN)
- 3601 HIGHLAND FALLS (VLG)
- 3800 MINERSK (TN)
- 3901 UNKNOWNVILLE (VLG)
- 4000 MONROE (TN)
- 4001 MONROE (VLG)
- 4003 HARRISMAN (VLG)
- 4005 KIRKAS JOEL (VLG)

- 4200 MONTGOMERY (TN)
- 4201 MAYBROOK (VLG)
- 4203 MONTGOMERY (VLG)
- 4205 WALDEN (VLG)
- 4400 MOUNT HOPE (TN)
- 4401 OTTISVILLE (VLG)
- 4600 NEWBURGH (TN)
- 4600 NEW WINDSON (TN)
- 5000 TUXEDO (TN)
- 5001 TUXEDO PARK (VLG)
- 5200 WALLKILL (TN)
- 5400 WARRICK (TN)
- 5401 FLORIDA (VLG)
- 5600 GREENWOOD LAKE (VLG)
- 5600 WARRICK (VLG)
- 5800 WARMYANDA (TN)
- 5800 WOODBURY (TN)
- 5801 HARRISMAN (VLG)

**CITIES**

- 0000 MIDDLETOWN
- 1100 NEWBURGH
- 1300 PORT JERVIS
- 0000 HOLD

NO. PAGES 4 CROSS REF \_\_\_\_\_  
CERT. COPY \_\_\_\_\_ ADD'L X-REF \_\_\_\_\_  
MAP # \_\_\_\_\_ PGS. 1  
PAYMENT TYPE: CHECK ☒  
CASH \_\_\_\_\_  
CHARGE \_\_\_\_\_  
NO FEE \_\_\_\_\_  
CONSIDERATION \$ 0  
TAX EXEMPT \_\_\_\_\_  
MORTGAGE AMT \$ \_\_\_\_\_  
DATE 5-28-99  
**MORTGAGE TAX TYPE:**  
— (A) COMMERCIAL/FULL 1%  
— (B) 1 OR 2 FAMILY  
— (C) UNDER \$10,000  
— (D) EXEMPT  
— (F) 3 TO 6 UNITS  
— (I) NAT. PERSONAL UNION  
— (J) NAT. PER-CR UNIT OR 2  
— (K) CONDO

*Donna L. Benson*  
**DONNA L. BENSON**  
Orange County Clerk

RECEIVED FROM: Tru County  
**10:50757 84**

LTE 8577

THIS INDENTURE, made the 28<sup>th</sup> day of MAY, nineteen hundred and ninety-nine  
BETWEEN

BRIGHT ENTERPRISES, INC.  
RD 3, Box 255, Red Hook, NY 12571

party of the first part, and

TGS ASSOCIATES, INC.  
RD 3, Box 255, Red Hook, NY 12571

party of the second part.

WITNESSETH, that the party of the first part, in consideration of TEN AND 00/100 (\$10.00) DOLLARS, lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, place or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Walla Gato, County of Otsego and State of New York, more particularly described in Schedule "A" attached hereto and made a part hereof.

BEING the same premises conveyed by EFCA Acquisition Corporation to Bright Enterprises, Inc. by Deed to be recorded simultaneously herewith.

The premises are not in an agricultural district and are entirely owned by the transferor.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs, or successors and assigns of the party of the second part forever

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

Steen & Menzel, L.L.P., Attorneys at Law, 35 East Market Street, Red Hook, New York

MA50756 85

## DESCRIPTION

DESCRIPTION  
LANDS OF BRAMBURY ASSOCIATES  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

June 26, 1995

All that certain plot, place, or parcel of land situate in the Town of New Windsor, County of Orange, State of New York, said lands being more and particularly bounded and described as follows:

Beginning at a point lying on the southeasterly line of New York State Route No. 32, said point being the northerly corner of lands now or formerly S & S Properties, Inc. and the westerly corner of lands herein described; thence running along the southeasterly line of said New York State Route No. 32 being the northeasterly line of lands herein described on the following four (4) courses and distances: (1) North 23°-31'-08" East, a distance of 188.31 feet to a New York State DOT disk; (2) North 23°-08'-22" East, a distance of 188.78 feet to a New York State DOT disk; (3) North 31°-18'-13" East, a distance of 19.17 feet to a New York State DOT disk; and (4) North 84°-31'-11" East, a distance of 27.88 feet to a New York State DOT disk being the northerly corner of lands herein described and lying on the southeasterly line of Old Temple Hill Road; thence running along the southeasterly line of said Old Temple Hill Road being the northeasterly line of lands herein described on the following two (2) courses and distances: (5) South 47°-36'-58" East, a distance of 19.80 feet to a New York State DOT disk; and (6) South 38°-01'-18" East, a distance of 84.20 feet to a point being the northerly corner of lands now or formerly TCS Associates, and the easterly corner of lands herein described; thence running along northeasterly, southwesterly, northwesterly and southeasterly lines of lands of said TCS Associates on the following four (4) courses and distances: (7) South 48°-42'-18" West, a distance of 104.23 feet; (8) South 41°-22'-38" East, a distance of 50.00 feet; (9) South 84°-23'-41" West, a distance of 88.48 feet; and (10) South 28°-33'-14" East, a distance of 100.00 feet to a point and lying on the northeasterly line of New York State Route No. 94, said point being the southerly corner of lands of said TCS Associates and the southeasterly corner of lands herein described; thence running along the northeasterly line of said New York State Route No. 94 (11) South 87°-10'-38" West, a distance of 78.50 feet to a point being the easterly corner of lands now or formerly Conna Corporation and the southerly corner of lands herein described; thence running along the northeasterly line of lands of said Conna Corporation and continuing along the northeasterly line of lands now or formerly S & S Properties, Inc. being the southwest-erly line of lands herein described (12) North 28°-33'-14" West, a distance of 157.55 feet to the point or place of beginning.

Containing 0.744 ± acres.

Premises herein described being Tax Map Lot No. 1 and Tax Map Lot No. 4, in Block 3, within Section 69, as shown on the Tax Maps of the Town of New Windsor, Orange County, New York, dated 1994.

Premises herein described being the same premises as described in Liber 2631 of Deeds of Page 229 as filed in the Orange County Clerk's Office.

Premises herein described subject to any easements, rights-of-way, covenants or restric-tions of record.

111R50751 86

12-B

10007557

STATE OF NEW YORK )  
COUNTY OF DUTCHESS ) ss:

On the 28th day of MAY, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared TODD A. BARJONT personally known to me or proved to me by the oath of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Carol Otter  
Notary Public

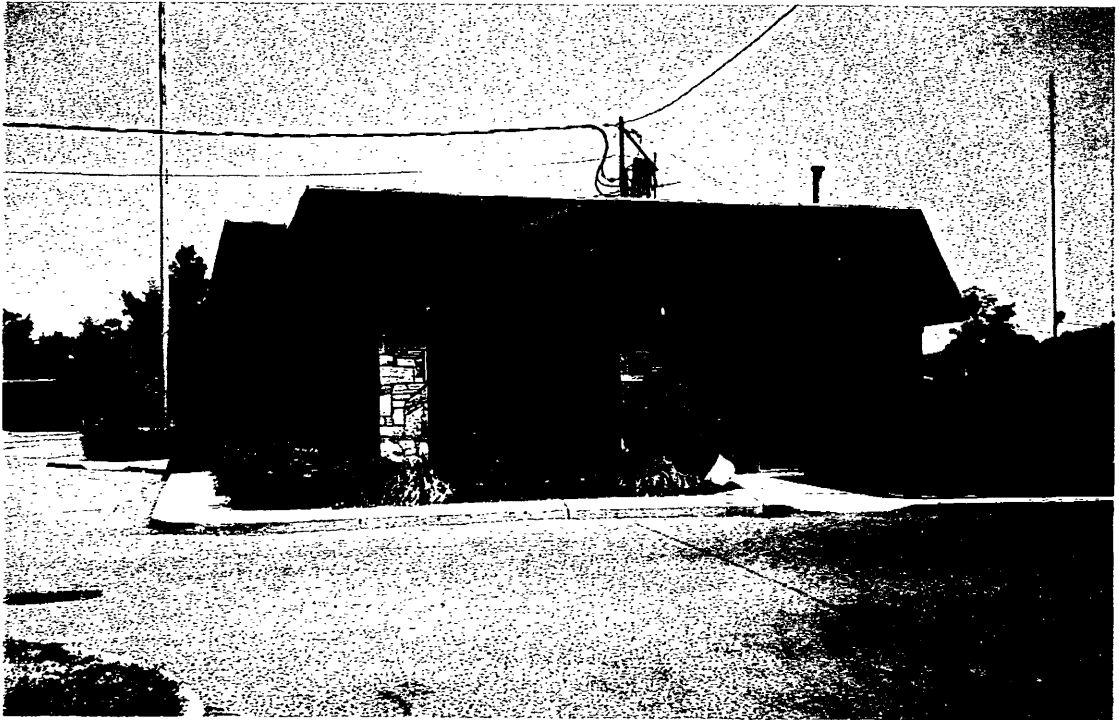
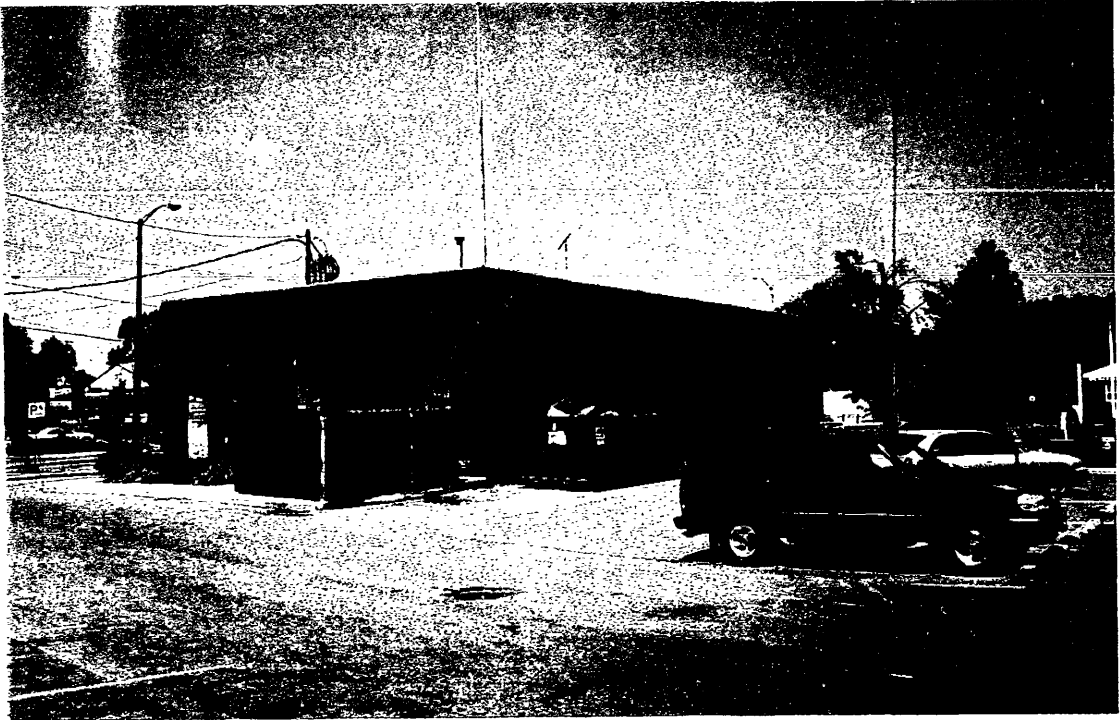
RAA:  
WOODY N. KLOSE, ESQ.  
33 East Market Street  
Red Hook, NY 12571

CAROL OTTER  
Notary Public, State of New York  
Qualified in Dutchess County  
My Commission Expires 06/01/2000  
167-31-2000

Attorney at Law, LLP, Attorney at Law, 33 East Market Street, Red Hook, New York

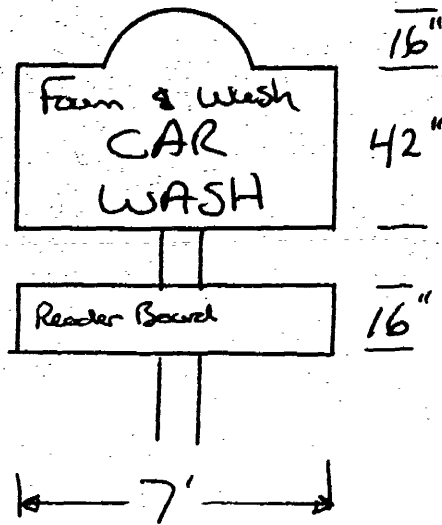
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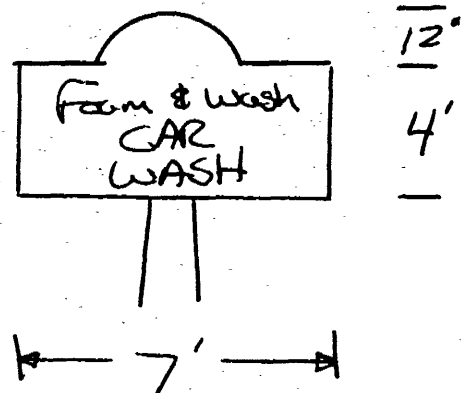


Farm & Wash ZBA app

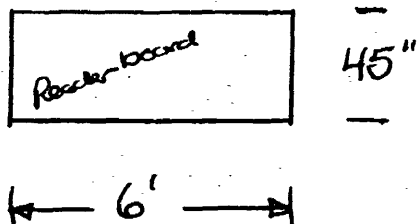
Existing signs 7/14/99 (14)



existing sign at  
exit of Automatic  
wash on Rt 94

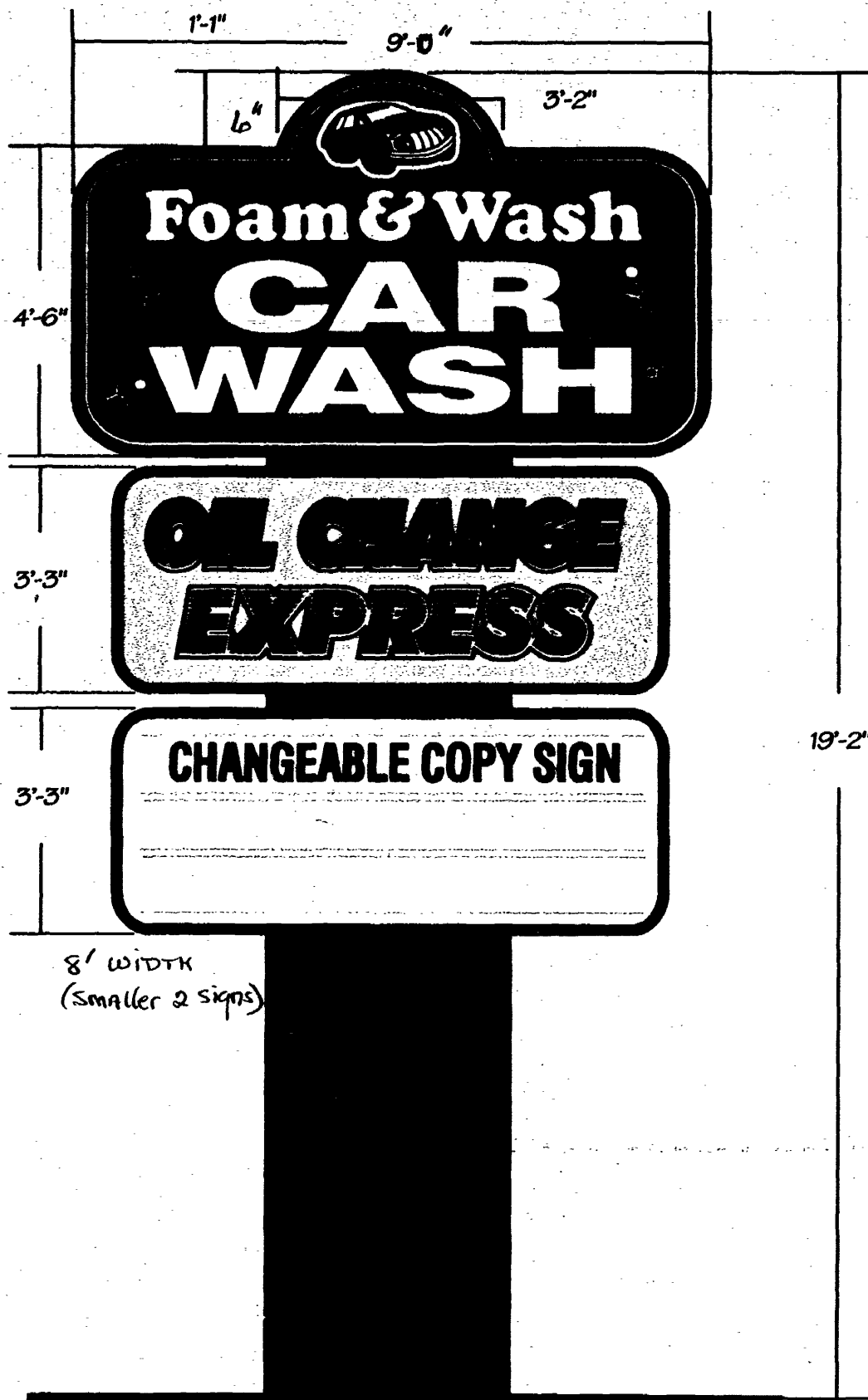


existing sign at  
self service entrance  
on Temple Hill rd.



existing in planter at  
wash entrance  
Temple Hill rd.





PROPOSED SIGN

1'-4"

10'-0"

**CAR WASH**

1'-4"

**OIL CHANGE EXPRESS**

15'-0"

#99-38

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 99-15

DATE: 4 AUG 99

APPLICANT: TGS ASSOC INC. (owners)  
RD #3 BOX 255 - 15 E. Market St.  
RED HOOK, N.Y. 12591

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED MAY 19, 1999

FOR (~~SUBDIVISION~~ - SITE PLAN) \_\_\_\_\_

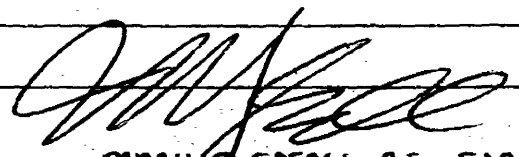
LOCATED AT RT 32 - RT 94 - OLD TEMPLE HILL RD

\_\_\_\_\_ ZONE \_\_\_\_\_

DESCRIPTION OF EXISTING SITE: SEC: 69 BLOCK: 3 LOT: 2

IS DISAPPROVED ON THE FOLLOWING GROUNDS: \_\_\_\_\_

SIDE YARD AND HEIGHT VARIANCE FOR  
BUILDING NO. 3.

  
MARK J. EDSALL P.E. FOR  
MICHAEL BABCOCK,  
BUILDING INSPECTOR

<u>REQUIREMENTS</u>		<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>C</u>	USE <u>B-4</u>		
MIN. LOT AREA	<u>40 000 SF</u>	<u>55,756</u>	<u>—</u>
MIN. LOT WIDTH	<u>200 FT</u>	<u>&gt; 200 FT</u>	<u>—</u>
REQ'D FRONT YD	<u>60 FT</u> <sup>RT 32</sup> <sup>81' 32"</sup> <sup>RT 94</sup>	<u>28'-1" *</u> <u>9'-3" *</u> <u>32'-4" *</u>	<u>—</u>
REQ'D SIDE YD.	<u>30 FT</u>	<u>10 FT</u>	<u>20 FT</u>
REQ'D TOTAL SIDE YD.	<u>70 FT</u>	<u>N/A</u>	<u>—</u>
REQ'D REAR YD.	<u>30 FT</u>	<u>N/A</u>	<u>—</u>
REQ'D FRONTAGE	<u>N/A</u>	<u>—</u>	<u>—</u>
MAX. BLDG. HT.	<u>12' FT</u> <sup>8' 0" * 1</sup> <sup>9' 3" *</sup> <sup>8' 0" * 2</sup> <sup>27' 9" *</sup> <sup>8' 0" * 3</sup> <sup>10' *</sup>	<u>18'-0" *</u> <u>13'-6" *</u> <u>21'-0" *</u>	<u>11'-0"</u>
FLOOR AREA RATIO	<u>0.5</u>	<u>0.2</u>	<u>—</u>
MIN. LIVABLE AREA	<u>N/A</u>	<u>—</u>	<u>—</u>
DEV. COVERAGE	<u>N/A</u> %	<u>—</u> %	<u>—</u> %
O/S PARKING SPACES	<u>—</u>	<u>8</u>	<u>—</u>

\* PRE-EXISTING NON-CONFORMING

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:  
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD  
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

POSSIBLE ZBA REFERRALS

FOAM & WASH CAR WASH SITE PLAN (99-15)

MR. PETRO: Convert former Perkins building to part of existing car wash and new construction of lube and ~~detail area.~~

Mr. Todd Baright and Mr. Gary Baright appeared before the board for this proposal.

MR. PETRO: Just give us a quick overlay of what you want to do because this is basically referral to the ZBA, so we don't want to get into too many of the Planning Board issues but we'd like to know what's going on and we'll take a motion for you, okay?

MR. TODD BARIGHT: Good evening, Todd Baright and my brother, Gary Baright, two of the three owners, three brothers, Todd, Gary and Scott. Our father built this original car wash, these are the bays that you're familiar with along here, my father built these back in '66, somewhere around there. This is the existing entranceway, this is where you'd normally pull in the car wash. Now see the dotted area on your drawings, the slashed area, that's the exist tunnel where it says remove existing building as shown, that's the existing tunnel cars, actually, come out where the blue mini-car, blue mini-van, there's a car shown at the end, that's the end of where the tunnel is now and you go out onto the road or come over here for the vacuum. What we're proposing is to remove that building that's now the automatic tunnel and the equipment room and build two additional bays basically where the tunnel is would be bay number 5, bay number 6 would be where the large exterior, the open bay is now, the truck bay in that footprint. So, we would have five self-service bays, six, excuse me. Those customers would enter just the way they do now. This is where everyone's familiar with the entry. You enter over here for the tunnel and the entranceway just to the right of that above it on the drawing, what we're proposing is to come across, basically if you're familiar with the site, drive right through where the menu sign is now and do this U-turn and come into the tunnel which would be the end of the

Perkins building facing the Five Corners, that would be the entrance to the building. This would, what this would allow us to do would be to stack basically double the amount of cars. Right now, we can stack, I'm not quite exactly sure how many, but six or seven, we've got twice the distance to the door of the building, the entrance door which then in theory should eliminate any, not all, but most of our stacking problems that are a concern. So increase of the stacking is an advantage to this plan. We've also got as you exit the tunnel, the normal exit would be to the left cause this would be certainly here would be plenty of signs that say exit left only, do not enter would be here, this could be say an escape route, but not normally used. There would be signage here to designate that you're supposed to take a left turn when you come out of the tunnel and hook around and as we take that turn out of the tunnel, we might notice that this entire corner is now paved and concrete on the corner facing the light and facing towards Wendy's, what we're proposing to do is chop up most of this area shown, curbing and plant that area up with shrubbery and whatnot. What this exit driveway does is increases the distance that the car drives over our property, therefore decreasing water concern on the paved surface, especially taking these couple of turns here, it will help eliminate the water dripping out on the ground. It will be on our property, the water that would accumulate would be on our parking lot here. So, we've basically got three, at least three times the exit drip area that you'd have leaving our tunnel now three to four times more. We hope to have the same entranceway that you came in for this tunnel on this plan, same entranceway that, this is another thing that we think is quite traffic friendly about this plan is for people who have been driving into this location for so many years we're going to, we're planning the same ingress, you'd pull in the same area, you'd pull off to the left or you could come in self serve entranceway, either way you can come in and enter what we're proposing here as an oil change center. We have an oil change express right now in Poughkeepsie and it's combined with our car wash site in Poughkeepsie across from the Galleria and we're quite pleased with it and our customers are certainly quite pleased with it. We're proposing lifts in here.

MR. PETRO: Completely new building?

MR. TODD BARIGHT: Dark line is, this is paved area, right, that's parking for Perkins right now.

MR. PETRO: How come there's only a ten foot side yard there, is that one of the variances you're seeking?

MR. TODD BARIGHT: Yes, sir.

MR. LUCAS: Where's employee parking?

MR. TODD BARIGHT: Employee parking is along the tunnel right here, this is employee parking.

MR. LUCAS: Isn't there a parking lot this side of it too?

MR. TODD BARIGHT: Over here, well, right now, this entire area, this property line that was existing was pretty much right here along the side of this building so you're right, all the Perkins parking was over in this area, including the grass area because right now, when you pull up to those curb stops, you're pulling right up to the property line. What we're proposing to do is yes, we're requesting a variance to build the building only ten feet from the yard but we're also proposing to tear up this blacktop and plant a ten foot grass section along the side facing the Five Corners.

MR. PETRO: Existing property line to be abandoned, you've already purchased the other building?

MR. TODD BARIGHT: We're supposed to close today, actually, it's supposed to happen Friday morning.

MR. LUCAS: I think it's a nice idea.

MR. LANDER: Can we go back to the automatic car wash where they come through and make a left-hand turn, I can see just from the beginning here that they are going to try to make that right-hand turn to come back around so if we can do anything here.

MR. TODD BARIGHT: I wasn't following you.

MR. LANDER: Automatic car wash, you come through, we're supposed to make a left to go around probably try to control this traffic a little better with curbing to have them make that left, it will be a little harder for them to make a right and come back around again, signage, I don't think is going to work but--

MR. LUCAS: Why did you want to leave that open?

MR. STENT: Emergency access.

MR. GARY BARIGHT: If something happened here, get backed up, could come out, there's a lot of things we can do. One of our sites in Poughkeepsie we put up some orange things that we put up on the highway, drive over them, we put two or three of those up.

MR. PETRO: You can come out four or a feet with the radius of the curbing in a different, going to the left and still have it where you could access it that way for emergency.

MR. LANDER: It's going to be 30 foot across there right between curb and curb.

MR. PETRO: Who did your plan?

MR. TODD BARIGHT: This is Al Moray (phonetic) in Poughkeepsie, Moray Associates.

MR. PETRO: Have him devise something there, very easily done and still have access, come out with a radius four or five feet, but it would go the opposite way.

MR. STENT: Have it swing so they've got to go over the left or they drive over the curb. You plan on doing something on the corner of 94 and Old Temple Hill Road?

MR. TODD BARIGHT: Glad you brought that up, what we propose here is to actually close this entire curb cut off, you're right, there's a large curb cut there right now.



MR. GARY BARIGHT: One of the other nice things right now you can enter here, enter here and enter here and exit here, you can exit here and here, what we're going to do is have every car enter from one site and there's only two places to exit, they won't be able to exit this way, but that's the nice thing now when people come in, they can come in or go across through one.

MR. STENT: Traffic flow looks nice, I'm just concerned about the corner, like you dressed up on 32, and you mentioned something about a truck bay.

MR. TODD BARIGHT: Truck bay will be eliminated, the sixth position, the last position, this is existing an external, non-enclosed what we call our truck bay, it's a large vehicle bay, and this space would be now an enclosed bay and it would be the same shape and size as the other four.

MR. STENT: I thought you were putting a big enclosed.

MR. TODD BARIGHT: It will eliminate the truck bay.

MR. PETRO: How come on the plan you have existing lot area 55,000, proposed is 55,000, they are both the same and you're acquiring all that new land? What am I missing?

MR. GARY BARIGHT: I think he put the two together right from the beginning, maybe he meant existing what's on the land now.

MR. ARGENIO: Maybe he thought that you'd be closed on that property by now.

MR. TODD BARIGHT: I see your point.

MR. EDSALL: They are not distinguishing between the different parcels because they are showing the setbacks for the overall site, so he's assuming that it's combined right from the start.

MR. PETRO: Coverage is acceptable?

MR. BABCOCK: There's no restriction.

MR. EDSALL: No restriction in this zone.

MR. STENT: He's looking for ZBA referral, just for the side lot.

MR. PETRO: Just the one variance.

MR. GARY BARIGHT: Yeah, and we actually when we did the plan, we didn't even know we needed a variance because we didn't have the book, we thought it was actually when we talked to the architect, dig up all the blacktop and put grass here and then we found out we needed a variance.

MR. PETRO: Mark, that's the only variance?

MR. EDSALL: They actually need a setback and going to need a building height, but I didn't know to what degree they need the height variance cause they haven't at this point I think decided what height the building is going to be total. So they'll have to make that decision and leave yourself a little flexibility cause when we refer you over, we have to show how much of a variance you need and you're only allowed based on the new code ten feet height.

MR. GARY BARIGHT: We're putting lifts, so they'll need to be higher than that.

MR. EDSALL: Make sure you determine what you need and leave yourself room for contingencies a little bit of flexibility and let us know.

MR. STENT: Looking for a motion?

MR. LUCAS: I'll make the motion.

MR. STENT: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Foam and Wash Car Wash in Vails Gate. Is there any further discussion from the board members? I want to

look at it a couple more seconds. The handicapped parking, I don't see it designated.

MR. EDSALL: You'll have to have one. One of the questions that we couldn't answer at the workshop was whether or not the number of spaces was acceptable and the location because there are no provisions to determine what number of spaces are needed for a car wash facility cause as one would assume when you bring your car you're pretty much using it to get it washed, you don't park it and walk through. Our question will the board find this count acceptable? If you do, what we'll do at the workshop we'll work out putting one handicapped spot in.

MR. LANDER: Mainly for an employee really.

MR. EDSALL: Or if someone comes in that's looking, I know these gentlemen assist with fund raisers, if somebody comes that's handicapped, stops in the office to work out an arrangement for the tickets, there'd be a handicapped spot.

MR. PETRO: The staging, obviously, it's really a problem in that location, as you know, lot of times it's stacked out onto Old Temple Hill Road, almost down to 32. Now you're telling us that you're going to have six or seven more on the radius, that's the entrance into the automatic car wash plus what you usually had?

MR. STENT: Going to have 15 or 20 cars stacked.

MR. PETRO: But that's, some days that's like a drop in the bucket. I've been there when there are a lot more cars than that.

MR. LUCAS: Normally, there's a lot less than that, very seldom you see them out in the road.

MR. ARGENIO: It's at least double the stacking, appears to me to be at least double, if you look at the location of the old automatic car wash and look at the distance from there to the entrance on Old Temple Hill Road and then add additional straight area, for lack of a proper term, plus the radius, I believe it's just

about double.

MR. TODD BARIGHT: Which is an advantage to this. What used to happen was the Perkins owned the line was somewhere near the rear of these parking spaces.

MR. PETRO: We have it on our map, yes.

MR. TODD BARIGHT: What could happen on certain days Perkins management might come out and say I don't want you taking up parking on our space here, what we can do now is this can be a double line and it's common for us to do that, not only behooves certainly the road entrance and the traffic, it behooves us to fit as many cars as close to the car wash as possible so that one of you people driving by, you think there's less line so it's common for us to do whatever we can do to get those cars off of the road, make it look like less line, we call it road resistance for you all driving by resistance to keep you coming into the car wash.

MR. ARGENIO: Smoking mirrors.

MR. GARY BARIGHT: When we're busy now, the guy will sell back about four cars and he'll stand here, which is where he might be selling. This booth here is going to be a pre-sell booth which we'll use on fairly busy days and the guy will actually be in the booth, if we double them up, the cars can come in single file and they'll be sold here plus people will, now, the line is longer waiting from here, used to be only six cars, now it's going to be 14, they know that it's that much longer.

MR. PETRO: The sales booth is part of the new building?

MR. TODD BARIGHT: Yes, sir.

MR. PETRO: It's incorporated into the new building?

MR. TODD BARIGHT: That's correct.

MR. LUCAS: I think you'll have a problem with the two areas, that new vacuum when they drive out of the

automatic car wash and the people that are in there backing up while the people are driving out, do you think you'll have any problem with that?

MR. TODD BARIGHT: We don't seem to, we have a similar situation on North Plank Road where vacuums are over here and Wappingers is very similar also vacuums somewhere near the exit.

MR. LANDER: Quite a bit of distance.

MR. GARY BARIGHT: Doesn't look as much as it really is.

MR. PETRO: We have a motion, it's been seconded, we'll accepted you to the Zoning Board. There's no sense in continuing until your successful there. Motion has been made and seconded. Is there any further discussion? If not, roll call.

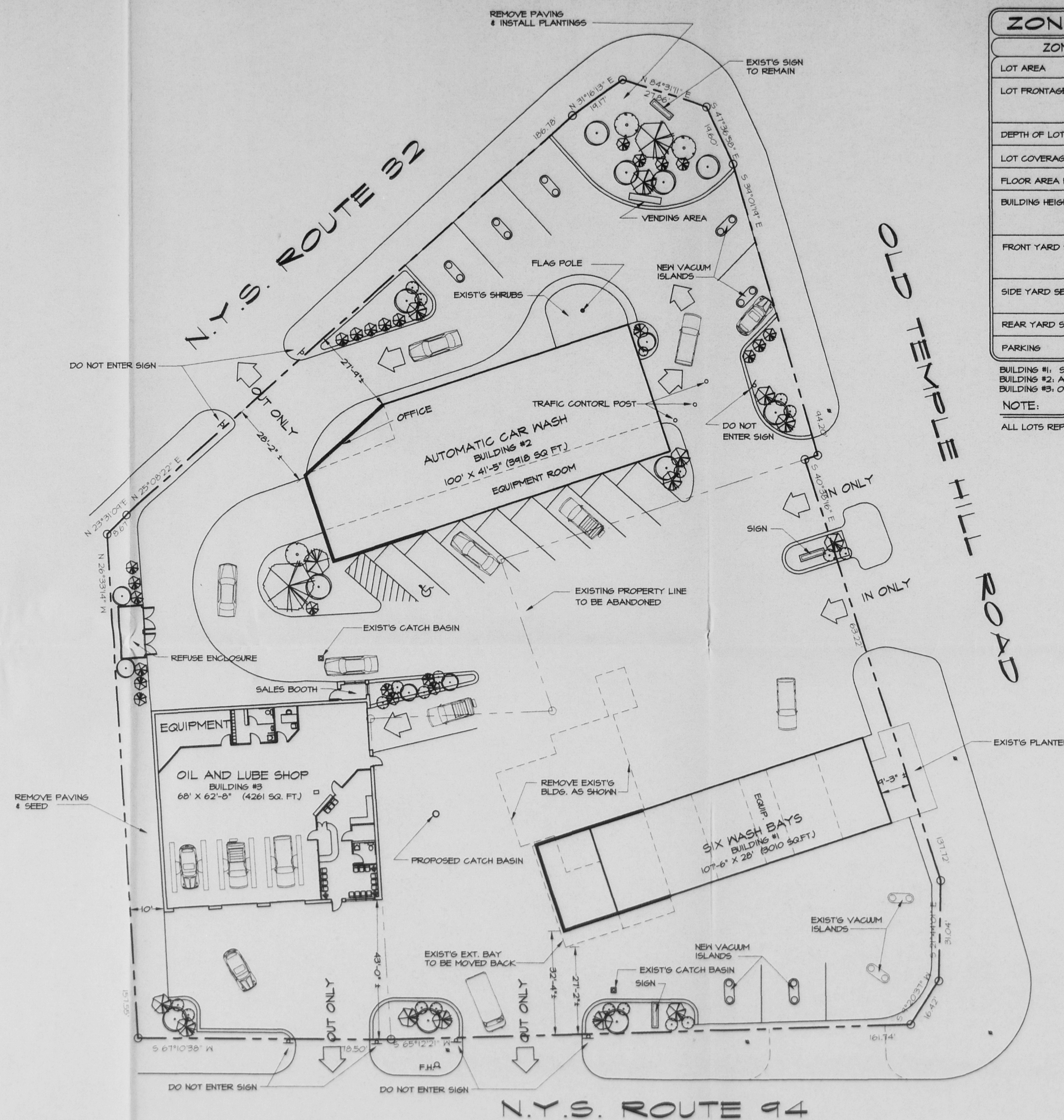
ROLL CALL

MR. ARGENIO	NO
MR. STENT	NO
MR. LANDER	NO
MR. LUCAS	NO
MR. PETRO	NO

MR. PETRO: At this time, you've been referred to the New Windsor Zoning Board for your necessary variances. If you are successful in receiving those, place them properly on the map, then you can reappear before this board for further Planning Board review.



LEGEND	
	PROPOSED CONSTRUCTION
	EXISTING CONSTRUCTION, TO REMAIN
	EXISTING CONSTRUCTION, TO BE REMOVED
	ELECTRIC LINE POLE
	EXISTING CATCH BASIN
	PROPOSED CATCH BASIN
	HANDICAPPED PARKING SPACE
	WALL MOUNTED LIGHT FIXTURE
	POLE MOUNTED LIGHT FIXTURE
	NEW STRIPING, TO BE ADDED
	EXIST'G STRIPING, TO REMAIN
	FIRE HYDRANT
	CHAIN LINK FENCE



**PROPOSED SITE PLAN**  
SCALE: 1"=20'-0"

NOTE:  
PROPERTY LINES AND EXISTING BUILDING LOCATIONS TAKEN FROM MAP OF SURVEY FOR BARIGHT ENTERPRISES INC. PREPARED BY ROBERT L. CAMPBELL JOB NUMBER 48-131 DATED 12/11/90 AND SURVEY LANDS OF RICHARD S. BARIGHT PREPARED BY VINCENT J. DOCE ASSOCIATES DATED 6/6/90.

ZONING DATA CHART						TOWN OF NEW WINSOR	
ZONE	C	REQUIRED	EXISTING	PROPOSED	VARIANCE REQ'D		
LOT AREA	MIN	40,000 SQ. FT.	55,756.8 SQ. FT. ±	55,756.8 SQ. FT. ±	—		
LOT FRONTAGE	MIN	200 FT.	214 FT. - 6 IN. 242 FT. - 6 IN. 241 FT. - 5 IN.	214 FT. - 6 IN. 242 FT. - 6 IN. 241 FT. - 5 IN.	—		
DEPTH OF LOT	MIN	N/A	N/A	N/A	—		
LOT COVERAGE BY BUILDING	—	—	7,333.25 SQ. FT. ±	11,121.1 SQ. FT. ±	—		
FLOOR AREA RATIO	MAX	5	.13	.20	—		
BUILDING HEIGHT	BUILDING #1 BUILDING #2 BUILDING #3	MAX 9 FT. - 3 IN. 27 FT. - 2 IN. 10 FT.	18 FT. - 6 IN. 13 FT. - 6 IN. N/A	18 FT. - 6 IN.* 13 FT. - 6 IN. 21 FT.	9 FT. - 3 IN. — 11 FT.		
FRONT YARD SETBACK	N.Y.S. ROUTE 32 OLD TEMPLE HILL ROAD N.Y.S. ROUTE 94	MIN 60 FT.	27 FT. - 4 IN. ± 9 FT. - 3 IN. ± 27 FT. - 2 IN. ±	28 FT. - 2 IN. * 4 FT. - 3 IN. * 32 FT. - 4 IN. *	30 FT. - 10 IN. 30 FT. - 4 IN. 28 FT. - 8 IN.		
SIDE YARD SETBACKS	MIN	30 FT. TOTAL - 70 FT.	48 FT. - 8 IN. ±	10 FT. N/A	20 FT. —		
REAR YARD SETBACK	MIN	30 FT.	N/A	N/A	—		
PARKING	MIN	N/A	—	8 SPACES	—		

NOTE:  
BUILDING #1: SIX WASH BAYS  
BUILDING #2: AUTOMATIC CAR WASH  
BUILDING #3: OIL AND LUBE SHOP  
\* PRE-EXISTING NON-CONFORMING  
ALL LOTS REPRESENTED ON THIS SITE PLAN WILL BE COMBINED INTO A SINGLE LOT AS A CONDITION OF THE SITE PLAN APPROVAL.

14 JULY 99  
19 MAY 99  
13 MAY 99  
10 MAY 99  
revisions  
project no.  
98-79B  
date  
11 FEB 99  
drawn by  
ALC, JT, RT, MD

VAILS GATE  
**FOAM & NASH**  
RT. 32, OLD TEMPLE HILL RD. & RT. 94 TOWN OF NEW WINSOR, NY

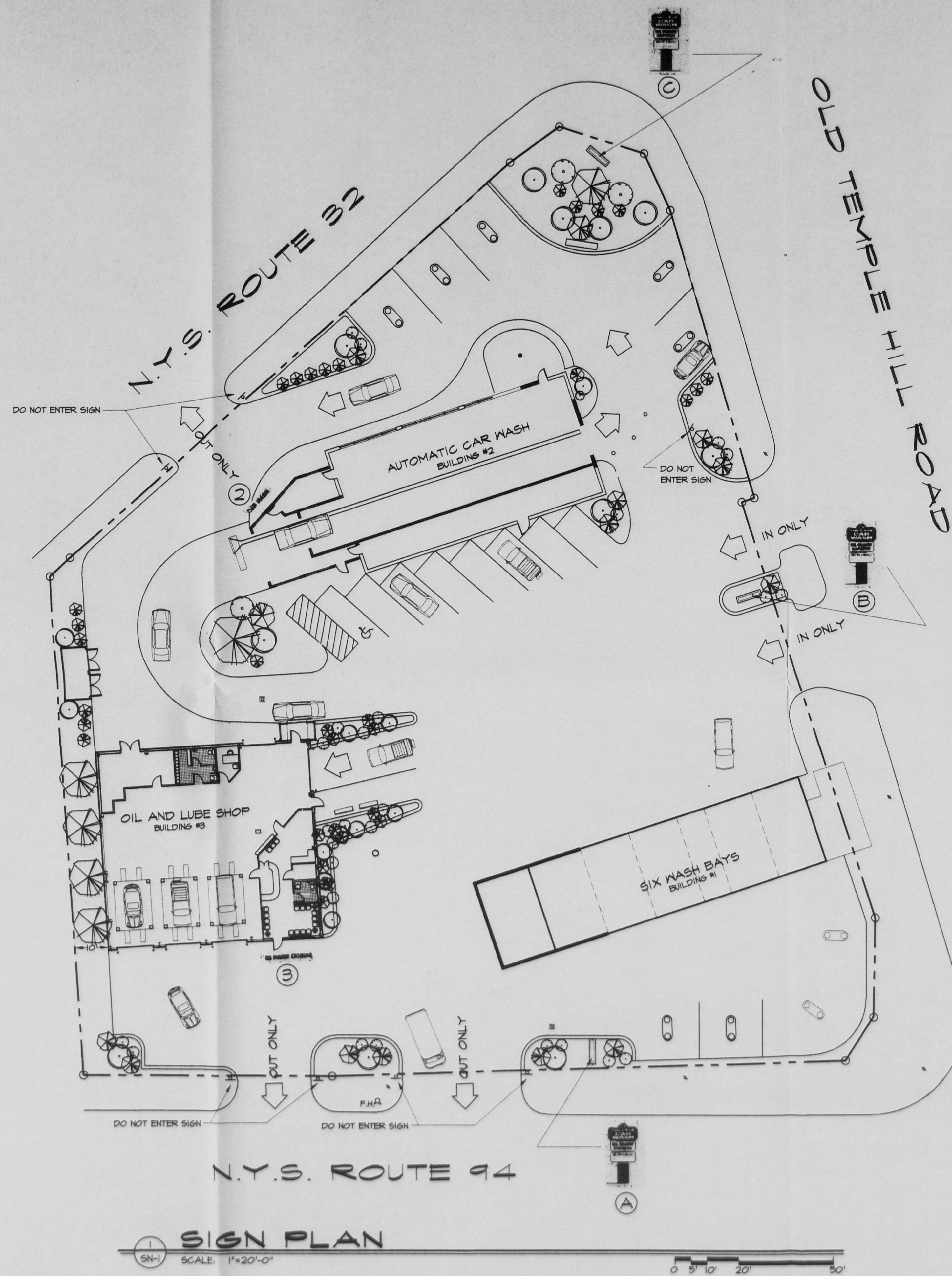
PROPOSED SITE PLAN  
**MAURI ASSOCIATES ARCHITECTS PC**  
303 MILL STREET Poughkeepsie New York 12601 914-452-1030

Sheet No. 1

PURSUANT TO SECTION 645-B OF THE REGULATION OF THE COMMISSIONER OF EDUCATION, UNAUTHORIZED ALTERATIONS TO THIS DOCUMENT IS A VIOLATION OF THE LAW.





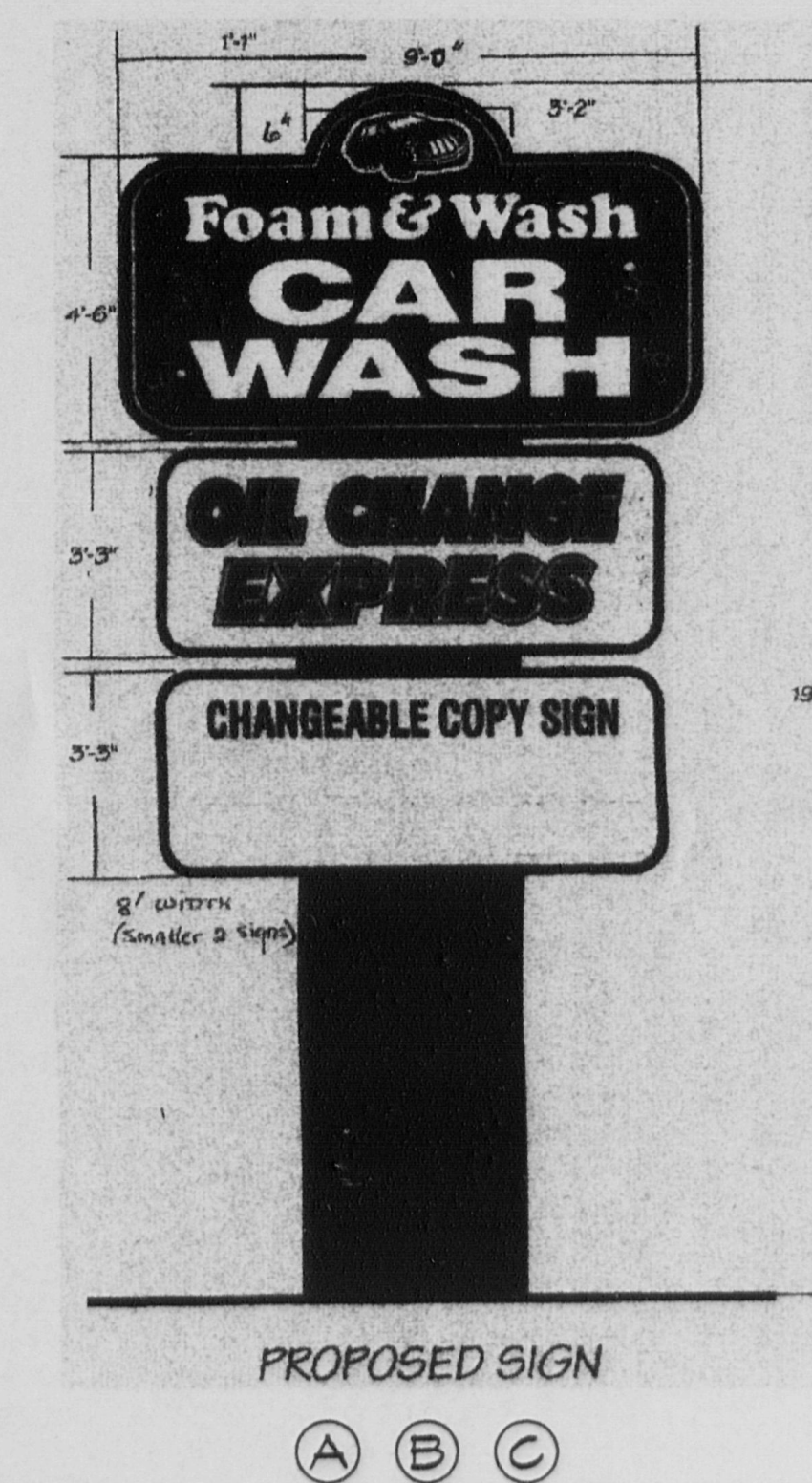
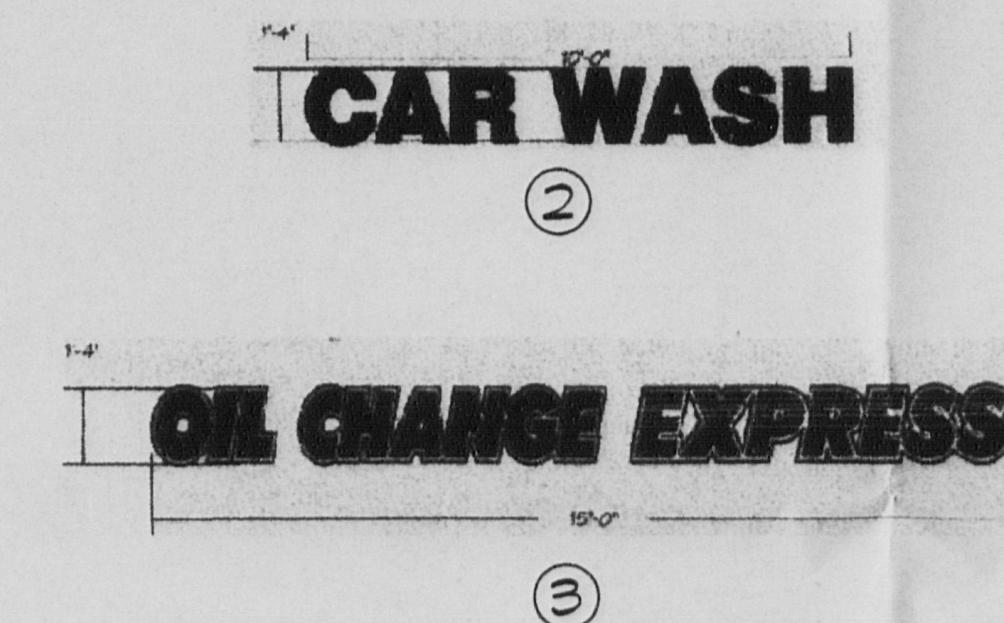


**SIGN PLAN**  
SCALE: 1"=20'-0"

SIGNAGE CHART					TOWN OF NEW WINSOR	
SIGN TYPE	ALLOWED	EXISTING	PROPOSED	VARIANCE		
ROAD SIGNS	1 PER ENTRANCE • 32 SQ. FT. (15'-0" HIGH)	Ⓐ = 44 S.F. 16'-0" HIGH	Ⓐ = 94 S.F. 19'-2" HIGH	Ⓐ = 62 S.F. 4'-2" HIGH		
		Ⓑ = 25 S.F. 15'-0" HIGH	Ⓑ = 94 S.F. 19'-2" HIGH	Ⓑ = 62 S.F. 4'-2" HIGH		
		Ⓒ = 32 S.F. 15'-0" HIGH	Ⓒ = 94 S.F. 19'-2" HIGH	Ⓒ = 62 S.F. 4'-2" HIGH		
PARKING ENT. SIGNS	—	4 • 5 S.F.	REMOVED	—		
READER BOARD SIGN	—	24 S.F.	REMOVED	—		
MENU SIGN	—	32 S.F.	SAME SIZE	—		
BUILDING SIGNS	1 PER BUILDING • 2' X 10' = 20 S.F.	① 10' X 8' = 80 S.F.	① REMOVED	—		
		② 2' X 10' = 20 S.F.	② 1'-4" X 10' = 13 S.F.	—		
		③ —	③ 1'-4" X 15' = 20 S.F.	—		

SIGN LOCATION: Ⓐ - N.Y.S. ROUTE 94  
Ⓑ - OLD TEMPLE HILL ROAD  
Ⓒ - N.Y.S. ROUTE 32

BUILDING TYPE: ① - SIX WASH BAYS  
② - AUTOMATIC CAR WASH  
③ - OIL AND LUBE SHOP



**PROPOSED SIGNS**  
SCALE: N.T.S.

revisions  
project no.  
98-79  
date  
21 SEP 99  
drawn by  
RKT

MAURI ASSOCIATES ARCHITECTS PC  
503 MILL STREET FOUCHKEEPSIE NEW YORK 12601 914-452-1030  
SIGN PLAN AND PROPOSED SIGNS  
VAILS GATE  
FOAM & WASH  
RT. 32, OLD TEMPLE HILL RD. & RT. 94 TOWN OF NEW WINSOR, NY

MAURI ASSOCIATES ARCHITECTS PC  
503 MILL STREET FOUCHKEEPSIE NEW YORK 12601 914-452-1030

SN-1  
PURSUANT TO SECTION 87(2)(b) OF THE REGULATION OF THE COMMISSIONER OF EDUCATION, UNAUTHORIZED ALTERATIONS TO THIS DOCUMENT IS A VIOLATION OF THE LAW.